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General Assembly
Security Council

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General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Sixty-seventh year

Identical letters dated 6 January 2012 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

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Since my last letter to you on 19 December 2011, I must inform you of the following violations committed by Israel, the occupying Power, against the Palestinian people. These incidents represent but a few examples of the daily crimes and collective punishment our people are tragically enduring under this brutal occupation:

- Israeli occupying forces continued to target Palestinian civilians and civilian infrastructure, causing more death and terror in the occupied and besieged Gaza Strip. On 17 December 2011, the occupying forces shelled an area east of Bureij refugee camp in the centre of Gaza, causing the death of 35-year-old Majid Nabhan. On the same day, off the coast of Gaza, Israeli gunboats continued to fire at Palestinian fishing boats in the Al Sudaniya area in northern Gaza. Also, in Gaza City, Zaki Tarosh, 45 years old, was shot in the leg after Israeli gunboats opened fire at a group of fishermen near the city's shore. On 4 January 2012, Israeli forces bulldozed some of the remaining infrastructure at Al Mintar (Karni) crossing, including offices located on the Palestinian side inside Gaza.

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- On 30 December 2011, in Al Khalil, settlers from the illegal settlement "Tel Rumedia" sprayed a young Palestinian, Arafat al-Bayid, 14 years old, with nerve gas and physically assaulted him. Arafat was later taken to a hospital, where he was treated for burns to the face and eyes. The Office for the Coordination of Humanitarian Affairs reported that during 2011, illegal Israeli settlers vandalized over 10,000 Palestinian olive trees, while Israeli occupying forces destroyed 90 water structures throughout the occupied West Bank.

- In this regard, Israeli occupying forces continued to destroy many other civilian structures and properties belonging to Palestinians throughout the occupied West Bank in recent weeks. On 20 December 2011, in southern Nablus, 30 military vehicles carrying soldiers of the occupying army destroyed a 4-km road serving the villages of Beita, Osarin and Aqraba. The occupying forces also took control of the home of Ayman Ihsan Adeile and set camp on a hilltop east of Beita. In Fasayil, in the Jordan Valley, Israeli occupying forces demolished several structures in the Bedouin village after handing out demolition orders just a day before. Structures belonging to Omar Ubayyat, Abed Yasin Rashayda and Hussein Rashayda were destroyed. In the Silwan neighbourhood of occupied East Jerusalem, Israeli bulldozers demolished a Palestinian-owned structure in order to establish a parking lot for Jewish settlers, and in the Sawwanah neighbourhood of the City, Israeli forces razed a playing field belonging to Al-Ibrahimiya College for the purpose of establishing a so-called Israeli national security college.

- On 30 December 2011, Israeli occupying forces issued several notices to take over 50 dunums of land in the towns of Az-Zawiya and Masha, west of Salfit, for the expansion of their illegal annexation Wall, and to build a new checkpoint. In the town of Al Khader, south of Bethlehem, Israeli occupying forces issued a notice to confiscate 170 dunums of land and isolate 20,000 dunums of Palestinian agricultural land behind the Wall.

- On 3 January 2012, undercover Israeli occupying forces kidnapped and detained Muhammad Ali Dirbas, 6 years old, on his way to a shop in the Al Essawyia neighbourhood of occupied East Jerusalem. Muhammad was interrogated and eventually released and his family took him to a hospital for a medical examination. This practice by the occupying forces, referred to as "mapping", has resulted in the detention, the interrogation, the photographing and the terrorizing of hundreds of Palestinian children, many times in the

darkness of night, with their parents helpless to stop this cruelty in the face of the lethal force of the occupying Power.

Moreover, during recent weeks, Israel's illegal colonization campaign continued with great intensity throughout the Occupied Palestinian Territory, particularly in and around East Jerusalem. On 28 December 2011, the Israeli Government announced another 130 new units in the illegal settlement "Gilo", near Beit Jala, and north of Bethlehem, as well as plans to construct a "tourist complex" in the Silwan neighbourhood of occupied East Jerusalem, with plans for a parking lot, archaeological park and reception halls.

The ongoing settlement campaign in Silwan is co-organized by the occupying Power's municipality and the settler organization Ir David Foundation, also known as the Elad Association, whose goal is to judaize the City by replacing the indigenous Christian and Muslim Palestinian population with Jewish settlers. Alarming is the fact that Ir David Foundation receives tax-deductible donations from citizens of two Member States, in the United States through Friends of Ir David (tax ID #: 11-346-6176, tax exempt status: 501(c)(3)) and in the United Kingdom through UK Friends of the City of David (UK Charity Registration #: 1121683). We urge Member States not to offer any State-sanctioned benefits for settler organizations that operate in the Occupied Palestinian Territory, including East Jerusalem, which threaten the very foundation of the two-State solution, especially organizations that contravene international law, in accordance with their responsibilities as third States under the Fourth Geneva Convention.

On 3 January 2012, the Israeli Government issued three new tenders for construction of yet another 300 settlement units in Occupied East Jerusalem: 47 in the illegal settlement of "Pisgat Ze'ev", and 247 in the illegal settlement of "Har Homa" in Jabal Abu Ghniem. The announcement of these tenders came just as the Israeli and Palestinian sides met in Amman, Jordan, under the auspices of His Majesty King Abdullah II and His Excellency Mr. Nasser Judeh, Foreign Minister of Jordan, as the entire international community is attempting to aid the resumption of credible negotiations between the two sides on the basis of the Madrid terms of reference, United Nations resolutions, the Quartet road map and the Arab Peace Initiative. Such illegal settlement activities by Israel continue to undermine such efforts and leave little credibility to the occupying Power's claims of good faith at the negotiating table.

In this regard, on 25 December 2011, the Foreign Minister of Israel said to a meeting of Israeli ambassadors that Israel must work to manage the conflict, not resolve it. Speaking about the current status quo and not reaching a peace agreement within the next decade, he said "in the next decade, this will be the situation and we need to know how to deal with it in the best way possible for both sides". Such repeated remarks by high-ranking Israeli officials cast serious doubts about Israel's commitment and intentions regarding the two-State solution and further undermine confidence and deepen mistrust.

Without doubt, the Palestinian people and their leadership, the Arab countries and the entirety of the international community wish to see Israel and Palestine living side by side in peace and security, and they are exerting all efforts towards the achievement of the two-State solution on the basis of the pre-1967 borders and a just and lasting peace. Efforts continue to be exerted by the United Nations towards this end, the Quartet continues its efforts, the Arab Peace Initiative still stands and all

peace-loving countries of the world continue to support the two-State solution and the efforts in this regard. However, it is more than evident that the current Israeli Government does not have a vision for peace, as it continues instead with its expansionist colonial agenda of occupation, settlement colonization and collective punishment and subjugation of the Palestinian people and denial of their inalienable rights, including to self-determination and freedom. All of these illegal policies and practices by the occupying Power are totally contradictory to the two-State solution for peace and constitute direct and deliberate affronts to the international and regional efforts to achieve peace and security, and for this Israel must be held accountable.

We thus appeal again to the international community, in particular the Security Council, to act with conviction to send a clear signal to Israel, the occupying Power, that all of these illegal actions will not be tolerated and must be brought to a complete halt. Collective and serious measures must be taken to ensure accountability if Israel refuses to comply with the legal obligations incumbent upon it, including under the Fourth Geneva Convention. Barring this, we will only continue to witness the further deterioration of the situation on the ground, the failure of any and all efforts to restore confidence between the two sides and to revive the peace process, and the further destruction of the two-State solution based on the pre-1967 borders, with grave consequences for our peoples and the region as a whole.

This letter is in follow-up to our previous 415 letters regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 19 December 2011 (A/ES-10/543-S/2011/783), constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, acts of State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

I should be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer of Palestine to the United Nations

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Letter dated 6 January 2012 from the Secretary-General addressed to the President of the Security Council

I have the honour to convey a letter from the Chairperson of the African Union Commission, His Excellency Jean Ping, requesting the transmittal of the communiqué of the African Union Peace and Security Council dated 22 November 2011, and the report of the Chairperson of the Commission on the Operationalization of the AU-led Regional Cooperation Initiative against the Lord's Resistance Army (see annex).

I would be grateful if you would bring the present letter and its annex to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

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Annex

Letter dated 9 December 2011 from the Chairperson of the African Union Commission addressed to the Secretary-General

I am writing to bring to your attention the communiqué adopted by the Peace and Security Council of the African Union at its 299th meeting held on 22 November 2011, on the operationalization of the African Union-led Regional Cooperation Initiative against the Lord's Resistance Army (RCI-LRA) (see enclosure 1).

As you are aware, this communiqué is the result of a process launched by the African Union following the special session on the consideration and resolution of conflicts in Africa held in August 2009. Subsequently, the African Union undertook extensive consultations with the countries affected by the criminal activities of LRA and other stakeholders, including the United Nations in particular. I would like to mention the two regional consultative meetings held in Bangui and Addis Ababa in October 2010 and in June 2011, respectively.

The Initiative, authorized by the Peace and Security Council for an initial period of six months, aims at strengthening the operational capabilities of the countries affected by the atrocities of LRA, creating an environment conducive to the stabilization of the affected areas and facilitating the delivery of humanitarian aid to affected areas. The Commission is currently in close consultation with the affected countries, taking the necessary measures for the operationalization of the different components of RCI-LRA. I have also appointed a Special Envoy, in the person of Mr. Francisco Madeira, who is currently the African Union Special Representative for Counter-Terrorism Cooperation.

The African Union is planning to convene shortly a meeting with key partners, including the United Nations, to discuss how best they could support the African Union-led initiative, which provides a unique framework to foster regional cooperation in the fight against LRA. I have no doubt that we can count on the support of the United Nations in order to bring to an end the criminal activities of LRA, which have resulted in a serious humanitarian crisis and constitute a threat to regional security and stability. Let me seize this opportunity to express our gratitude to the Security Council for its sustained attention to the issue of LRA and the support it has extended to the African Union-led initiative on LRA.

I would be grateful if you could circulate the present letter, the communiqué (enclosure 1) and the report (enclosure 2) to the members of the Security Council as a document of the Security Council.

(*Signed*) Jean **Ping**

Enclosure 1

PSC/PR/COMM.(CCXCIX)

Communiqué

The Peace and Security Council of the African Union (AU), at it 299th meeting held on 22 November 2011, adopted the following decision on the operationalization of the AU-led Regional Cooperation Initiative against the Lord's Resistance Army (LRA):

Council,

1 **Takes note of** the report of the Chairperson of the Commission on the operationalization of the AU-led Regional Cooperation Initiative against the Lord's Resistance Army [PSC/PR/(CCXCVIX)] Council **also takes note** of the statements made by the representatives of affected countries, the Economic Community of Central African States (ECCAS), the European Union (EU) and the United Nations;

2 **Recalls** the relevant provisions of the Plan of Action adopted by the Special Session of the Assembly of the Union on the consideration and Resolution of Conflicts [SP/ SSEMBLY/PS/MAP(I)], held in Tripoli, on 31 August 2009, as well as decisions Assembly/AU/Dec 294 (XV) 2 and Assembly/AU/Dec 369 (XVII) adopted by the Assembly of the Union at its 15th and 17th Ordinary Sessions, held respectively in Kampala, Uganda, from 25 to 27 July 2010, and in Malabo, Equatorial Guinea, from 30 June to 1 July 2011. Council **also recalls** Press Statement PSC/PR/BR (CCXCV) adopted at its 295th meeting, held 27 September 2011. Council **further recalls** the statements of the UN Security Council of 21 July and 14 November 2011 related to the LRA;

3 **Expresses, once again, its deep concern** about the continuation of the criminal activities of the LRA and the resulting serious humanitarian consequences, as well as about the threat that this situation poses to regional security and stability;

4 **Commends** the countries of the region for the cooperation they have developed amongst themselves, as well as for their cooperation with the Commission in the implementation of the relevant AU decisions on the LRA, particularly the convening of the two ministerial meetings held in Bangui, Central African Republic, and in Addis Ababa, Ethiopia, on 13 and 14 October 2010 and 8 June 2011, respectively;

5 **Decides,** pursuant to the request of the Assembly of the Union, as contained in decision Assembly/AU/Dec 369 (XVII), to authorize, as an AU initiative with the support of the international community, the implementation of the Regional Cooperation Initiative for the Elimination of the LRA (RCI-LRA), as described in paragraphs 16 to 19 of the report of the Chairperson of the Commission, for an initial period of six (6) months, starting from the adoption of the present decision, with the mandate, in conformity with the Conclusions of the Addis Ababa regional ministerial meeting on the LRA, to:

i strengthen the operational capabilities of the countries affected by the atrocities of the LRA,

ii create an environment conducive to the stabilization of the affected areas, free of LRA atrocities,

iii facilitate the delivery of humanitarian aid to affected areas.

6. **Decides further**, within the framework of the mandate outlined in paragraph 5 above and in line with the Conclusions of the Bangui regional ministerial meeting, that the RCI-LRA shall, in particular, carry out the following tasks:

i initiate and coordinate all political and strategic activities relating to the LRA with the affected countries and other stakeholders,

ii facilitate operational coordination amongst the affected countries in the fight against the LRA,

iii support capacity building for the national units engaged in operations against the LRA and, in this regard, interact with the International partners for them to provide timely and coordinated support to the affected countries,

iv. encourage and facilitate joint patrols at the borders of the affected countries, as well as sharing of information,

v encourage the improvement of communications in the areas affected by the LRA activities, particularly through mobile telephones, radio coverage and basic infrastructure repair/construction,

vi. facilitate effective psychological operations to encourage defections from the LRA, and the implementation of strategies for demobilization and reintegration of ex-combatants into their communities of origin,

vii assist with the mobilization of adequate and coordinated support for the affected populations and other groups in need,

viii. contribute to the improvement and institutionalisation of civil-military coordination, including the provision, upon request, of escorts for humanitarian convoys,

ix contribute to the mobilization of support for speedy recovery, as well as for rehabilitation efforts in the areas affected by the activities of the LRA, and

x. ensure the mainstreaming of the civilian protection in all military and security initiatives aimed at resolving the LRA problem;

7. **Requests** the Chairperson of the Commission, in close consultation with the countries affected by the activities of the LRA, to take the necessary measures with a view to facilitating, as appropriate, the establishment of the different components of the RCI-LRA, namely:

i the Joint Coordinating Mechanism (JCM), chaired by the AU Commissioner for Peace and Security, and comprising the Ministers of Defense of the affected

countries, as an *od hoc* structure at the strategic level to coordinate the efforts of the AU and the affected countries, with the support of the international partners,

ii the Regional Task Force (RTF), composed of units provided by the affected countries, and whose total strength will be of a brigade size (5,000 troops), as agreed at the Bangui ministerial meeting, and

iii the Headquarters of the RTF, including the Joint Operations Centre (JOC), composed of officers seconded by the affected countries;

8 **Welcomes** the measures taken by the Chairperson of the Commission for the imminent appointment, pending the conclusion of his consultations regarding the selection of a substantive Special Envoy, of an interim AU Special Envoy for the LRA, to coordinate, in close cooperation with affected countries, the overall strategy of the fight against the LRA;

9 **Appeals** to all the Member States in a position to do so, as well as to the AU partners, to provide the necessary support to the RCI-LRA, particularly in logistical, financial and technical terms, so as to facilitate the effective functioning of the different components of the initiative, as well as to build the capacity of the armed and security forces of the affected countries. In this regard, **Council welcomes** the readiness expressed by some international partners to assist the AU and the countries of the region. Council **also notes with satisfaction** the declarations adopted by the UN Security Council on the LRA issue and **calls upon** the UN to establish a logistics support module for the RCI-LRA, including by adjusting, if necessary, the mandates of the UN peacekeeping operations in the region, so as to enable them provide timely, greater and more flexible support to the RCI-LRA;

10 **Decides**, in line with the relevant AU instruments, to declare the LRA a terrorist group, and **requests** the UN Security Council to do the same;

11 **Commends** the humanitarian agencies which are active on the ground for their mobilization and **urges** them to continue and intensify their actions in favour of the affected populations;

12 **Stresses** the need for the rehabilitation of the areas affected by LRA activities and **requests** the Commission, in consultation with the United Nations and other appropriate international institutions, particularly the African Development Bank (AfDB) and the World Bank, to contribute to the formulation of an appropriate strategy and the mobilization of the necessary resources to this end;

13 **Decides** to remain actively seized of the matter

Enclosure 2

Report of the Chairperson of the Commission on the Operationalization of the AU-led Regional Cooperation Initiative against the Lord's Resistance Army

I. INTRODUCTION

1. Council may recall that, at its 295th meeting, held on 27 September 2011, it was briefed by the Commissioner for Peace and Security on the activities relating to the AU-led regional cooperation initiative for the elimination of the Lord's Resistance Army (LRA). Council, on its part, requested the Commission to submit to it a report on the implementation modalities of the main mechanisms provided for in the AU regional cooperation initiative, to enable it to authorize the envisaged operation, in accordance with the relevant provisions of decision Assembly/AU/Dec.369 (XVII) adopted by the 17th Ordinary Session of the Assembly of the Union, held in Malabo, Equatorial Guinea, from 30th June to 1st July 2011.

2. The present report is submitted in pursuance of the request contained in the press statement of the 295th meeting of Council. It provides an overview of the steps taken so far by the Commission pursuant to the relevant decisions of the AU policy organs, outlines the implementation modalities of the regional cooperation initiative and concludes with observations on the way forward.

II. REGIONAL MINISTERIAL MEETINGS AND SUBSEQUENT FOLLOW-UP STEPS

3. In the Plan of Action adopted at its Special Session on the Consideration and Resolution of Conflicts in Africa [SP/ASSEMBLY/PS/MAP(I)], held in Tripoli, Libya, on 31st August 2009, the Assembly of the Union called upon the countries of the region to renew their efforts, including military action, to neutralize the LRA and bring to an end its atrocities and destabilizing activities in the Democratic Republic of Congo (DRC), Southern Sudan and Central African Republic (CAR). As a follow up to the Tripoli Plan of Action, the 15th Ordinary Session of the Assembly of the Union, held in Kampala, Uganda, from 25 to 27 of July 2010, requested the Commission, as soon as possible, to organise action-oriented consultations among the countries affected by the activities of the LRA and other interested parties, with a view to facilitating a coordinated regional action in the face of the threat posed by this group [Dec. Assembly/AU/Dec.294(XV) 2].

4. It was against this background that a regional ministerial meeting was convened by the Commission in Bangui, CAR, from 13 to 14 October 2010. The meeting, which was chaired by the AU Commissioner for Peace and Security, brought together all the countries affected, namely, CAR, DRC, Sudan, including the then Government of South Sudan (GoSS), and Uganda; it was also attended by the relevant regional organizations, as well as by the United Nations and other international partners. The conclusions adopted by the meeting provided for action-oriented steps in a number of areas: military and security; humanitarian, development and other related aspects; and international support and assistance. The Bangui meeting also requested the Chairperson of the Commission to appoint a Special Envoy to coordinate the overall efforts on LRA and facilitate international engagement. It

agreed on a follow up mechanism, through the regular convening of meetings at ministerial level.

5. On the margins of the 4th meeting of the Specialized Technical Committee on Defense, Security and Safety (STCDSS), held in Addis Ababa, the Commission organized consultations at expert level among the affected countries, on 5 December 2010, to exchange views on the follow-up to the Bangui Conclusions. The Commission submitted a draft concept note on the way forward, which was finalised following further input from the affected countries.

6. Subsequently, the Commission dispatched a joint technical assessment mission (TAM) including experts of the affected countries, to assess the situation on the ground. The mission was undertaken from 16 March to 5 April 2011. It consulted with officials from each of the countries affected by the LRA activities, visited proposed locations for the Joint Operations Centre (JOC) and the Regional Task Force (RTF), and met with partners to seek their assessment of the security and humanitarian situation and garner support for the initiative.

7. The second regional ministerial meeting of the affected countries was held in Addis Ababa on 8 June 2011, to examine the report of the joint TAM. The meeting considered and adopted the report of the Chiefs of Defense Staff, who met earlier. It defined the strategic end state of the envisaged operation as follows: *"Elimination of the LRA, leading to the creation of a secure and stable environment in the affected countries"*. It agreed on the various aspects of the regional cooperation initiative, namely the political process; the mandating process; the end state of the operation and its strategic objectives; the components of the initiative, i.e. the Joint Coordination Mechanism (JCM), the RTF, including the JOC, and the appointment of the Special Envoy. The meeting also agreed on the core elements of the mission support concept. Finally, the meeting constituted an Integrated Core Planning Team (ICPT), including officers from the Commission and the affected countries, to provide a detailed mission plan covering all phases of the operation. The meeting agreed that the envisaged operation shall be an AU authorised mission with international support.

III. DECISION OF THE MALABO SUMMIT ON THE LRA ISSUE AND SUBSEQUENT MEETING OF THE PEACE AND SECURITY COUNCIL

8. In line with the Conclusions of the second regional ministerial meeting, I briefed the 17th Ordinary Session of the Assembly of the Union, in Malabo, in June/July 2011, on efforts taken to operationalise the regional cooperation initiative on the LRA. The Assembly welcomed the steps taken, expressed its full support to the Conclusions of the ministerial meeting, and requested Council swiftly to authorize the proposed operation in all its components, including the RTF, the JOC and the JCM. It further requested the United Nations and other AU partners to support the initiative, including through financial and logistical supports.

9. At its 295th meeting, Council congratulated the affected Member States for the cooperation they have developed among themselves, as well as for their collaboration with the Commission, in implementing the relevant AU decisions on the LRA. Council also commended the Commission for the steps it has taken. Having expressed deep concern at the continuing criminal activities of the LRA and its devastating effects on local populations,

as well as on regional security and stability, Council stressed the need for the affected countries to persevere in their efforts. As indicated above, it also requested the Commission to submit to it a report on the implementation modalities of the main mechanism provided for in the regional cooperation initiative, to enable it to authorize the envisaged operation.

10. The 5th annual meeting of the National and Regional Focal Points of the African Centre on the Study and Research on Terrorism, held in Algiers, from 30th October to 1st November 2011, also discussed the issue of the LRA. It highlighted the threat posed by the LRA. It should be recalled that, in Bangui, the regional ministerial meeting requested the adoption of measures to declare LRA a terrorist group, in accordance with relevant AU instruments.

IV. INTERACTION WITH THE INTERNATIONAL COMMUNITY

11. Since the onset of the regional cooperation initiative, the Commission has endeavoured to mobilise support from the international community. The European Union (EU) has been closely associated with the AU efforts. Under the Early Response Mechanism (ERM) of the African Peace Facility (APF), the EU provided funding for the initial phase of the implementation of the regional cooperation initiative against the LRA.

12. The Commission participated in the meeting convened in Washington, on 27 June 2011, by the International Working Group on LRA, which is chaired by the World Bank and includes a number of international organisations, including the EU and the UN, as well as the International Conference on the Great Lakes Region (ICGLR). The aim of the meeting was to share information on the LRA, discuss progress made in addressing the problems posed, and identify opportunities for cooperation and coordination.

13. Furthermore, the Commission addressed the two meetings of the Security Council devoted to the issue of the LRA, on 21 July and 14 November 2011. At its meeting of 21 July, the Security Council adopted a press statement in which its members, *inter alia*, strongly condemned the ongoing attacks carried out by the LRA; commended the important efforts that are being undertaken by the militaries of CAR, DRC, the Republic of South Sudan and Uganda, to address the threat posed by the LRA; and emphasized the importance of sustained coordinated action by these Governments; encouraged the UN Secretary-General to provide support to the AU Commission, through the planning process for the implementation of the relevant AU decisions on the LRA; and requested the UN Office for Central Africa (UNOCA), in collaboration with the UN Office to the AU (UNOAU), to engage with the AU to facilitate cooperation between the UN and the African Union on issues related to countering the threats posed by the LRA. At its meeting of 14 November, the Security Council, *inter alia*, encouraged the AU to implement its comprehensive strategy to tackle the threat posed by the LRA.

14. The Commission also took part in the meeting of the ICGLR held in Kigali, Rwanda, on 9 September 2011. The objective of the meeting was to share information on the activities of the negative forces in the region, including LRA activities, and to develop joint operational plans to enhance cooperation and unity of efforts within the region and beyond. The meeting took note of the AU initiative against the LRA, expressed the full support of the ICGLR countries, and emphasized the need for effective support by the international

community. The meeting recommended that similar initiatives be facilitated by the AU against the other negatives forces in the Great Lakes region.

15. Finally, the AU is also in regular contact with the US Government, notably through the US Mission to the AU. In mid-October 2011, the US Government announced that it has sent a small number of military advisers to the region to assist the forces that are pursuing the LRA and seeking to bring top commanders to justice. The US Government indicated that these advisers, who will not engage LRA forces unless necessary for self-defence, would work with regional partners and the AU in the field to strengthen information sharing, enhance coordination and planning and improve the overall effectiveness of military operations and the protection of civilians. This decision is one component of the US comprehensive strategy to address the LRA threat, in accordance with the LRA Disarmament and Northern Uganda Act signed in August 2011.

V. IMPLEMENTATION MODALITIES OF THE REGIONAL COOPERATION INITIATIVE AGAINST THE LRA

16. As stressed by the ministerial meetings, the regional cooperation initiative is aimed at implementing a comprehensive strategy to address, once and for all, the problems posed by the criminal activities of the LRA. In this context, and in light of the relevant AU decisions and Conclusions of the two regional ministerial meetings, it is proposed that the regional cooperation initiative against the LRA pursue the following objectives:

i. strengthen the response capacity of the countries affected by the atrocities of the LRA, in order to create inherent capabilities;

ii. create an environment conducive to the stabilization of the region free of LRA atrocities and inclusive of a political process within the framework of the Juba Agreement, if and when duly signed; and

iii. facilitate the delivery of humanitarian assistance to the affected areas.

17. Within the framework of the above-mentioned strategic objectives, the initiative will carry out the following tasks:

i. engage and coordinate all political and strategic activities with the affected countries and other stakeholders;

ii. enhance political and military cohesion among the affected countries and ensure sustainable political commitment for the achievement of the set objectives;

iii. support capacity-building for the national units engaged in the LRA operations;

iv. engage partners for the delivery of timely and coordinated support, notably equipment and logistics, training, mobilisation of resources, including, where applicable, the regular payment of wages;

v. engage with the UN Security Council to secure, if need be, amendments to the mandates of existing UN operations and facilitate the provision of adequate resources, to enable them extend greater, more flexible and timely support to the operations against the LRA;

vi. encourage and facilitate joint patrols at the borders of the affected countries, as well as information sharing;

vii. work with the UN operations on the ground to achieve effective cross-mission coordination and information sharing, as well as deployment of more resources to areas where civilians are most at risk;

viii. encourage the improvement of communications within the LRA-affected areas, including through cell phones and radio coverage and repair/building of basic infrastructures;

ix. facilitate an effective psychological operation programme to encourage defections from the LRA, as well as implementation of strategies for demobilisation and community-based reintegration of ex combatants;

x. assist in the mobilisation of adequate and coordinated support to affected populations and other groups in need;

xi. contribute to the improvement and institutionalisation of civil-military coordination, including the provision of escort for humanitarian convoys on request, and deployment of troops to facilitate access to vulnerable communities;

xii. contribute to the mobilisation of support for early recovery and rehabilitation efforts in LRA affected areas; and

xiii. ensure the integration of civilian protection in all military and security initiatives to address the LRA problem

18. As agreed by the Ministers at their second meeting, the command and control structure of the regional cooperation initiative against the LRA shall comprise the following components in order to execute the roles and tasks identified above:

i. the Joint Coordination Mechanism – Chaired by the AU Commissioner for Peace and Security, the JCM shall be composed of the Ministers of Defense of the affected countries. The JCM will act as an *ad hoc* structure at strategic level to coordinate the efforts of the AU and the countries affected, with the support of the international partners. More specifically, the JCM shall coordinate all political and strategic activities with the affected countries and other stakeholders, enhance political and military cohesion, demonstrate firm intent and regional ability to achieve the end state of the operation, and coordinate capacity-building for the operational units, with a view to enhancing inter-operability and cooperation. The Secretariat of the JCM will

be located in Bangui and will be coordinated by the AU Special Envoy for LRA, whose task is to provide the overall political and strategic coordination for the operation;

ii the Regional Task Force – The RTF shall comprise national contingents from the affected countries, with both tactical combat and support units deployed under the operational command of the RTF Commander. The RTF shall have three sector Headquarters (HQs) located in Dungu (DRC), Nzara (South Sudan), and Obo (CAR). The RTF HQs shall comprise thirty officers and shall be located in Yambio, South Sudan. The key appointments for the RTF HQs have been agreed upon. The RTF HQs shall have appropriate civilian expertise. It shall also designate four liaison officers in the Joint Intelligence and Operations Centre (JIOC), based in Dungu;

iii the Joint Operations Centre – The JOC shall be a component of the RTF, and be co-located with the RTF HQs, in Yambio, with a total staff complement of 30 officers. Under the authority of the RTF Commander, it shall perform integrated planning and monitoring of the operation.

19 With respect to mission support concept of the regional cooperation initiative, and as agreed by the affected countries, the following arrangement shall apply:

i mobilisation by the AU of voluntary contributions to fund the JCM, the RTF HQs and the JOC, as well as of financial resources, logistics and any other forms of support for the benefit of the other components of the RTF, including the operational units in each of the sectors;

ii all the other needs of the mission will be the responsibility of the contributing countries;

iii partners' support will be coordinated by the Commission, it being understood that this will not exclude bilateral arrangements between affected countries and partners.

VI. OBSERVATIONS

20 LRA activities remain a serious threat to peace, security and stability in the region, with grave humanitarian consequences. As stressed by the first regional ministerial meeting held in Bangui, the LRA has, in recent years, extended its activities, moving from Uganda, where it originally started its attacks, to South Sudan, DRC and CAR. It has continued to carry out atrocities against innocent civilians, in particular children and women, including abduction, murder, mutilation, burning and looting of villages, and destruction of livelihoods. This has resulted in massive displacement and acute humanitarian crisis.

21 I would like to express my appreciation to the countries of the region for the sustained efforts they have made to address the LRA problem. These efforts include the Juba Peace Process, which led to the Final Peace Agreement (FPA), which the LRA leader repeatedly refused to sign – it is important to recall that, as part of the monitoring of the Cessation of

Hostilities Agreement, its Addenda, extensions and amendments, the AU deployed a team of military observers in South Sudan. Mention should also be made of operations "Iron Fist" and "Lightening Thunder", bilateral consultations, tripartite meetings of the Chiefs of Defense Staff and the establishment of the JEOC in Dungu.

22. I also would like to seize this opportunity to acknowledge the contribution of the international partners, in particular the assistance being provided on the ground by MONUSCO through its operational support to, and cooperation with, the DRC armed forces and regional efforts at the request of the DRC. Humanitarian agencies also deserve our appreciation for their large-scale mobilisation in order to provide protection and assistance to civilians.

23. It is against this background, and in order to enhance the effectiveness of the efforts of the countries of the region, that the AU policy-making organs urged for renewed efforts, including military actions, to neutralise the LRA and bring its atrocities and destabilising activities to a swift end. Since its launching, the AU initiative has generated high expectations and hope in the affected countries and communities. It has also attracted sustained interest from a number of international partners, including the EU, the US and the United Nations. I would like to reiterate the AU's appreciation to the EU for the financial support provided for the initial efforts on the LRA issue and for its readiness to provide further funding for the establishment of the JCM and RTF HQs, as well as for the activities of the Special Envoy. I thank the United Nations Security Council and Secretariat for their commitment to working closely and supporting the AU led initiative. I also would like to stress the Commission's readiness to work closely with the US Government in the context of its recently announced initiative. Furthermore, several civil society organisations and NGOs have also approached the Commission to applaud the decisions taken by the AU and to urge for their speedy implementation.

24. The AU initiative aims to articulate a comprehensive approach to the problem posed by the LRA criminal activities and atrocities. Clearly, it offers the most viable and effective framework for a coordinated and regionally-owned effort to address the challenges at hand. At the time of finalising this report, I was making arrangements for the appointment of the Special Envoy. In line with the request made by the Assembly in Malabo, I recommend to Council to authorize the initiative, as outlined in paragraphs 16 to 19 above, for an initial period of six months, as and "African Union authorized mission with international support". The funding for the activities of the JCM and the RTF HQs, as well as the office of the Special Envoy, will be ensured through Early Response Mechanism of the Africa Peace Facility, set up by the EU at the request of the AU.

25. I wish to call upon all Member States in a position to do so, as well as AU partners, to support this initiative. In this respect, it is important to engage the Security Council for it to take the steps required, including, if need be, amendments to mandates of existing UN peacekeeping operations on the ground to enable them provide greater, more flexible and timely support to the regional cooperation initiative.

26. I also appeal to humanitarian agencies to continue to provide humanitarian assistance to the affected populations. At the same time, efforts should be intensified for early recovery and rehabilitation efforts in the LRA-affected areas. The Commission will step up its efforts and approach relevant international institutions, in particular the African

Development Bank (AfDB) and the World Bank. In so doing, the Commission will closely coordinate its efforts with the United Nations, especially in view of the request made by the Security Council, at its 14 November meeting, for the United Nations to prepare a regional strategy for non-military assistance in the LRA-affected area, with a clear focus on action for the benefit of affected populations, it being understood that such a strategy should complement the AU effort and provide detailed plans for the better protection of civilians, humanitarian assistance and support for ex-combatants and those returning from displacement.

United Nations S/2012/13

Security Council

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Letter dated 4 January 2012 from the Permanent Representative of South Africa to the United Nations addressed to the Secretary-General

I have the honour to forward to you a copy of the concept paper for the Security Council debate on the theme "Strengthening the Relationship between the United Nations and Regional Organizations, in Particular the African Union, in the Maintenance of International Peace and Security", to be held on 12 January 2012 (see annex).

I would be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Baso **Sangqu**
Ambassador and Permanent Representative
of the Republic of South Africa

12-20282 (E) 090112

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Annex to the letter dated 4 January 2012 from the Permanent Representative of South Africa to the United Nations addressed to the Secretary-General

Concept note on strengthening the relationship between the United Nations and regional organizations, in particular the African Union, in the maintenance of international peace and security

Introduction

South Africa will utilize its Presidency of the Security Council in January 2012 to continue exploring concrete measures for strengthening the relationship between the United Nations and regional organizations, in particular the African Union, in the maintenance of international peace and security. In that regard, the South African delegation will convene a summit-level thematic debate with the aim of adopting concrete measures to ensure greater coherence between the United Nations and the African Union in the area of conflict prevention, management and resolution of conflicts on the African continent.

Background

Chapter VIII of the Charter of the United Nations as well as the 2005 World Summit Outcome and Security Council resolution 1625 (2005) underscore the need to enhance partnerships between the United Nations and regional organizations in the prevention and peaceful settlement of disputes. In pursuit of that goal, over the years the African Union has undertaken in complex political environments peace support operations with the authorization of the Council in such places as Burundi, Somalia and the Sudan. Those operations have often occurred in cases where the African Union has comparative advantage and where conditions are not conducive to a United Nations peacekeeping role or when the Council has been divided on the best course of action.

Experience has shown that inasmuch as the African Union involvement in peace support operations goes a long way in enhancing stability, peace and security on the continent, it is, however, of great concern that this support is at times used in a manner to absolve the Council of its primary responsibility, in accordance with the Charter, for the maintenance of international peace and security.

As the African Union is approaching its tenth anniversary in 2012, it has made commendable strides with regard to peace and security on the continent, such as the launch of the African peace and security architecture. The African peace and security architecture provides the continent with noteworthy conflict prevention, resolution and management measures, as well as post-conflict peacebuilding and reconstruction. The Peace and Security Council of the African Union, the continental early warning system, the Panel of the Wise, the African Standby Force and the Post-Conflict Reconstruction and Development Framework are constitutive elements of the African peace and security architecture in dealing with threats to stability and conflicts in the continent.

In an effort to translate into action its political commitment to stability, peace and security in Africa and multilateral cooperation in that regard, South Africa

utilized its first Security Council tenure in 2007/08 to launch a debate within the Council on its cooperation with the African Union in the maintenance of international peace and security. It culminated with the adoption of a presidential statement on 28 March 2007 (S/PRST/2007/7), the unanimous passing of Security Council resolution 1809 (2008) and the establishment of an African Union-United Nations high-level panel chaired by Mr. Romano Prodi on how the United Nations and African Union could explore the possibility of enhancing the predictability, sustainability and flexibility of financing of United Nations-mandated peace operations undertaken by the African Union. The last remains an issue of discussion in the broader United Nations setting.

Similarly, Article 33 of the Charter makes provision for the pacific settlement of disputes, in particular through mediation efforts at the disposal of the Security Council. South Africa therefore believes that existing United Nations mechanisms for peaceful conflict resolution, such as the Secretary-General's good offices; Special Envoys; the establishment of an early warning system; the deployment of special political missions and of the Mediation Support Unit of the Department of Political Affairs; the deployment of country teams; and the establishment of regional offices, as well as other diplomatic initiatives aimed at preventing conflicts, should be optimally utilized.

Given its limited resources to undertake peace support operations after disputes have escalated into deadly armed conflicts, the African Union strongly relies on preventive diplomacy and mediation through, for example the Panel of the Wise, high-level panels, and mediation efforts by subregional organizations (the Economic Community of West African States (ECOWAS) and the Southern African Development Community (SADC)) in dealing with challenges to stability, peace and security on the continent.

Needless to say, incipient and ensuing conflicts and challenges to peace and security globally and on the African continent make it imperative for the Security Council and regional organizations such as the Peace and Security Council of the African Union to deal with them in a collaborative manner. The two Councils therefore need to work together in a mutually reinforcing manner in the realization of the primary responsibility for the Security Council to maintain international peace and security.

Underlying motivation

More than 60 per cent of Security Council deliberations are concerned with Africa and 6 of the 14 peacekeeping operations of the United Nations and nearly 80 per cent of its peacekeepers are deployed on the African continent, which is sometimes marginalized. In addition, the Security Council has from the beginning of 2011 adopted 51 resolutions and 20 presidential statements, out of which a majority are on Africa. It is in the light of those activities, among others, that South Africa believes that more should be done and more can be done to enhance cooperation between the Security Council and regional organizations in the maintenance of peace and security. There has been some progress achieved in enhancing and strengthening the partnership between the African Union and the United Nations. In that context, the Peace and Security Council and the Security Council hold annual meetings to deliberate on issues on their respective agendas. The African Union and the United Nations are also collaborating on key peacekeeping missions and in

conflict situations, including in the Sudan (the African Union-United Nations Hybrid Operation in Darfur (UNAMID)) and Somalia (the African Union Mission in Somalia (AMISOM)). Both the African Union Commission and the United Nations Secretariat have made significant progress in terms of supporting operational deployments and long-term capacity-building as well as desk-to-desk cooperation. They are referenced in the report of the Secretary-General on United Nations-African Union cooperation in peace and security (see S/2011/805).

Nonetheless, there remains significant room for improvement, especially in the area of conflict prevention and mediation. Challenges still exist in achieving greater strategic political coherence between the United Nations and the African Union in preventing and managing conflicts on the continent. In the present era, the scale and complexity of the challenges of conflicts on the African continent demand increased cooperation between all actors. Addressing that challenge calls for effective relationships, improved coordination and a clear understanding of each other's strengths and weaknesses. The report of the Secretary-General states that United Nations experience in peacemaking, mediation and peacekeeping cooperation with the African Union indicates that partnerships work best when there are common strategic objectives and clear division of responsibilities based on shared assessments and concerted decisions between the two organizations.

In that regard, the development of common guidelines by the Secretariats of the United Nations and the African Union as a framework for mediation in Africa would be an important contribution to achieving coherence. The Secretary-General, in his report stresses that efforts to make the United Nations-African Union mediation partnership more coherent would ultimately depend on the degree to which this approach is adopted at the strategic level and supported by Member States.

Both the Peace and Security Council and the Security Council need to invest energy, time and resources with a greater focus on conflict prevention and mediation before disputes escalate into deadly armed conflicts that require costly peacekeeping operations. It is essential that the efforts by the African Union and the numerous subregional organizations across the African continent working on preventive diplomacy be recognized, respected and supported by the Security Council. Disregard for regional peace support initiatives has the potential to undermine the confidence regional organizations have in the Security Council as an impartial and widely respected mediator in conflicts.

The proposal by the Secretary-General in the above-mentioned report for the Secretariat and the African Union Commission, to provide, where possible, harmonized advice to the respective legislative bodies based on joint assessments to be taken into account prior to the finalization of respective decisions that involve both organizations, could address some of those challenges.

South Africa believes the Security Council should utilize the summit-level debate on 12 January 2012 to take stock of the African Union-United Nations strategic partnership and, more importantly, to adopt concrete measures to strengthen cooperation between the United Nations and the African Union in preventive diplomacy and mediation in the African continent. Action in that direction would in actual fact be consistent with recommendations made in resolution 1809 (2008) and in previous presidential statements, as well as in the African Union report on the United Nations-African Union partnership on peace and

security: towards greater strategic political coherence (2011) and the report of the Secretary-General on United Nations-African Union cooperation in peace and security.

Security Council debate

The Security Council debate on 12 January 2012 will offer an opportunity to address, at summit level, ways in which greater strategic political coherence between the United Nations and the African Union can be consolidated and enhanced in the area of conflict prevention, management and resolution of conflicts on the African continent. In particular, the meeting could address the following questions:

- How can the Council support African Union political processes that seek to renew focus on preventative diplomacy and mediation efforts on the African continent?
- How can coherence be improved and decision-making on issues on the agenda of both the Peace and Security Council and the Security Council be harmonized?
- How will it be possible to ensure complimentarity of efforts and avoid competition and/or duplication, especially in cases where the two Councils undertake joint mediation and peacekeeping efforts?
- How can coordination be improved on the institutional level between the Security Council and the African Union Peace and Security Council, in particular to ensure in-depth preparation and follow-up by the two Councils on annual meetings?
- How will it be possible to take advantage of the complimentary capacities and comparative advantages of regional organizations in the prevention and resolution of conflicts?

It is hoped that the debate on 12 January 2012 will be forward-looking and focused, with practical recommendations to be reflected in a Security Council resolution that is proposed to be adopted after the thematic debate.

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Letter dated 4 January 2012 from the Permanent Representative of South Africa to the United Nations addressed to the President of the Security Council

I have the honour to transmit herewith a copy of the summary report of the joint workshop hosted by South Africa and Security Council Report on strengthening the relationship between the United Nations and the African Union in the maintenance of international peace and security, held on 12 December 2011 (see annex).

I would be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Baso **Sangqu**
Ambassador and Permanent Representative
Republic of South Africa

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Annex to the letter dated 4 January 2012 from the Permanent Representative of South Africa to the United Nations addressed to the President of the Security Council

Summary report of the joint workshop hosted by South Africa and Security Council Report on strengthening the relationship between the United Nations and the African Union in the maintenance of international peace and security: New York, 12 December 2011

Background and context

In preparation for the high-level Security Council debate on the relationship between the Security Council and regional organizations, in particular the African Union, which will be held during South Africa's presidency of the Security Council in January 2012, the Permanent Mission of South Africa to the United Nations and Security Council Report jointly hosted a workshop on 12 December 2011. Invited to the workshop were members of the Security Council as well as New York-based representatives of countries represented in the African Union Peace and Security Council and those currently chairing the five African regional economic communities. The African Union Commission was represented by its Permanent Observer to the United Nations, Tete Antonio. The Under-Secretaries-General for Political Affairs and Peacekeeping Operations, M. Lynn Pascoe and Hervé Ladsous respectively, were invited as participants.

The workshop was divided into two sessions, with one focusing on the current state of the partnership and lessons learned and the other on the way forward in exploring concrete ways to firmly establish the strategic relationship between the African Union and the United Nations.

Hereunder is a brief summary of the themes and recommendations from the workshop:

First session: the current state of the partnership and lessons learned

Institutionally: the primary responsibility of the Security Council in the maintenance of international peace and security was reaffirmed, while the important complementary role played by regional organizations, in particular the African Union, in line with Chapter VIII of the Charter of the United Nations, was endorsed. In this context, the two Secretariats have deepened their relationship at the institutional level. The United Nations has recently upgraded its representative office in Addis Ababa. Additionally, cooperation between the Special Envoy of the Secretary-General for the Sudan and South Sudan and the African Union High-level Implementation Panel is an example of the growing relationship where the two organizations are working collectively on resolving the challenges in the Sudan.

Despite these positive developments, challenges in this relationship, particularly at the legislative level (the Security Council and the African Union Peace and Security Council), remain. Since 2007, the annual meetings between the Security Council and the African Union Peace and Security Council have become the central feature of this relationship. Other than the annual meeting, there is no active engagement between the Security Council and the African Union Peace and Security Council. The annual meeting has the potential to move the relationship to a

more strategic direction. The meeting in May 2011 was a welcome development as it did focus on substantive issues. Despite the difficult nature of the 2011 meeting because of the divergent perspectives, there were positive engagements such as the discussions on Côte d'Ivoire, Libya, Somalia and the Sudan. These discussions assisted in developing an appreciation for the varying perspectives of the two Councils, which are often seized with the same issues on their respective agendas. It has illustrated that the United Nations and the African Union can get into substantive issues rather than procedural ones or general discussions on cooperation. The Security Council Ad Hoc Working Group on Conflict Prevention and Resolution in Africa meeting ahead of the annual discussions, in which members of the African Union Peace and Security Council were invited to engage with Council members prior to the visit, was also a welcome innovation to prepare for the meeting between the two Councils.

Operationally: the end of the Cold War witnessed an increase in the level of intra-State conflicts, and regional organizations such as the African Union have a distinct comparative advantage in addressing these challenges in complex environments. This necessitates stronger and strategic cooperation between the United Nations and regional bodies.

At the operational level, the United Nations Secretariat has been active in supporting the African Union peace and security architecture through the implementation of the 10-year capacity-building programme. Both organizations also benefit from the deployment of joint technical assessment missions. A further example of this cooperation is the hybrid model in the African Union-United Nations Hybrid Operation in Darfur and the cooperation on Somalia. The African Union has often been the first responder as it is less restricted than the United Nations in terms of its deployment in hostile environments such as Somalia and Darfur. The challenge, however, is to ensure that predictable and sustainable funding as well as logistical support is secured for these peacekeeping operations. In this regard, the Prodi report (A/63/666-S/2008/813) continues to provide invaluable and relevant insights in addressing these key challenges.

Chapter VIII challenges: despite Chapter VIII, the Charter of the United Nations did not envisage the growth of regional organizations which play a strategic role due to their proximity to conflict situations. Managing the relationship between the United Nations and regional organizations is crucial, in particular in areas where the Security Council has less comparative advantage, such as conflict prevention and mediation. The success achieved in Guinea demonstrates the advantage of such collaboration. In this regard, the principle of complementarity could be exploited within the context of Chapter VIII of the Charter.

No single model for cooperation: given the uniqueness of each conflict situation, experience has shown that there is no one-size-fits-all solution to conflict resolution.

Policy coordination and coherence: the Security Council and the African Union Peace and Security Council collaborate very closely in areas where there is convergence in their political views. However, the two Councils have not always been successful in managing situations where divergent political perspectives exist and this has not been conducive for fostering a strategic partnership. In this regard, recent differences, particularly on Libya and Côte d'Ivoire, were highlighted. The principle of subsidiarity, with respect to subregional and regional organizations and

the United Nations, was reaffirmed. Cherry-picking and selectively engaging regional and subregional organizations when it is convenient and politically expedient for the Security Council does not serve the collective interest of lasting peace and security. The two Councils must find a way of managing their differences.

Second session: the way forward in consolidating the relationship

Putting Chapter VIII into perspective: there is a need to understand and reflect on the role of regional organizations in the post-Cold-War era. Such a reflection would help in dealing with the psychological barrier that exists in this relationship. There is a need to develop a comprehensive perspective and envision a common understanding on the interpretation of the implementation of Chapter VIII.

The principle of comparative strength and advantage: it is necessary that the views or regional organizations such as the African Union are taken into account given their proximity to conflict situations.

Strengthen the annual joint meeting: in this context, the relationship can be enhanced through ongoing/year-round consultations in addition to the annual meetings. Regular interactions between the President of the Security Council and the Chair of the Peace and Security Council could also be encouraged. There is also a need to have closer interaction between the Security Council and representatives of the African Union Peace and Security Council in New York. The Ad Hoc Working Group on Conflict Prevention and Resolution in Africa should continue to be used as a platform to strengthen the relationship.

African ownership and national sovereignty: integral to the sustainability of peace initiatives are the principles of national ownership and sovereignty of States that ought to be respected. The attempts by those directly affected by the conflicts, including the region, should be taken into consideration.

Reporting lines: these important parameters should be clearly defined, especially when there is a joint mediator/representative.

Principle of subsidiarity: the role of regional and subregional organizations needs to be further reflected upon, especially with respect to their relationship with the Security Council. The differentiation between the African Union and subregional organizations on the continent may sometimes complicate the manner in which the Security Council conducts its relationship with Africa.

Policy coordination and coherence: the harmonization of policies between the two organizations could go a long way towards strategically dealing with conflict situations and preventing conflict in Africa. This is vitally important given the scarcity of resources.

Division of labour and productive burden-sharing: a clear division of labour should also be agreed to, based on corresponding responsibilities. In light of the different mandates of the two organizations, it is important to ensure that the burden of ensuring peace and security in Africa is shared proportionally.

Financial support: in light of the substantial peace and security challenges and the limited resources to address such challenges, the African Union could benefit from flexible, predictable and sustainable financial support from the United Nations and other international institutions/stakeholders.

Capacity-building: capacity-building of the African Union should continue in the context of the ongoing 10-year capacity-building programme.

No one size fits all: regional organizations can be much more flexible compared with universal bodies such as the United Nations. Collective approaches should be adapted to different situations depending on strategic and operational requirements. It has been clear, especially over the last few years, that the two organizations will not always agree, but the two Councils, assisted by the two Secretariats, must work to minimize divisions in pursuit of similar goals on peace and security on the continent.

United Nations S/2012/15

Security Council

Distr.: General
9 January 2012
English
Original: Arabic

Identical letters dated 6 January 2012 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, and further to our letters regarding current events in Syria, including the letter dated 23 December 2011 (S/2011/797), which has yet to be issued two weeks after it was sent, concerning the two suicide terrorist attacks of 23 December 2011 that targeted two Government institutions in the capital, Damascus, killing and wounding dozens of persons, we would like to convey to you the following information:

On the morning of Friday, 6 January 2012, for the second time within a short period, the capital of Syria, Damascus, was attacked by a suicide bomber. The attack targeted an area near an elementary school in the Maydan district of Damascus that is densely populated and where there are many passers-by, killing and wounding dozens of persons. Ongoing investigations indicate that a terrorist blew himself up at a traffic signal in the above-mentioned area, with a view to terrorizing citizens and killing the greatest possible number of persons. The preliminary death toll from this terrorist attack stands at 26 citizens, most of whom are civilians. An investigation is under way to identify the remains of 15 other persons. A further 63 persons, including civilians and police officers, who were in the area were injured. The terrorist bombing also caused great damage to nearby vehicles, stores and other buildings, including the Maydan police station and the Hassan al-Hakim School.

Such terrorist bombings are a very dangerous escalation designed to terrorize and kill innocent Syrian citizens in a random and savage manner; they are part of a vicious campaign against Syria carried out by certain foreign parties in particular, which are striving by every means not to achieve reform but, rather, to impede the comprehensive reform programme that is currently being implemented in Syria by undermining stability and security, fomenting violence and spreading terrorism in Syria through an unprecedented inflammatory political and media campaign against Syria, and providing money, arms and media and logistical support to those armed terrorist groups that abduct and kill civilians and military personnel indiscriminately, rape women, plant explosives in roads and in densely populated areas, obstruct public highways, bombard public and private institutions and attack Syria's vital installations. Those attacks have included the bombing of passenger trains, railway tracks, oil and gas pipelines and electrical plants. Ever since events began in Syria, we have taken unremitting care to share with you information in that regard.

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We would like to affirm that the continued occurrence of such terrorist acts and the targeting of innocent civilians, including women, children and the elderly, represent a challenge to the entire international community and a flagrant violation of human rights and all international norms and instruments. Such acts and those responsible for them must be condemned and denounced in the strongest possible language by all Powers and Arab and international humanitarian organizations. In that connection, we would like to point out to you that turning a blind eye to such terrorist acts and those responsible and failing to condemn them unequivocally will be interpreted as an attempt to provide cover and indirect support for the continuation of such criminal acts against the Syrian State and public and private property, and mean that those responsible are not held accountable or prosecuted. We call on all to shoulder their responsibilities, in particular those who speak of countering terrorism and eliminating its root causes even as they openly encourage, sponsor and protect those who commit acts of terrorism.

In conclusion, the Syrian Arab Republic requests that you condemn in the clearest and strongest possible language the acts being committed by armed terrorist groups in Syria, including the criminal act of terrorism that was committed on the morning of Friday, 6 January 2012, in the capital, Damascus.

It would be highly appreciated if the present letter could be circulated as a document of the Security Council.

(*Signed*) Bashar **Ja'afari**
Permanent Representative of the Syrian Arab Republic
to the United Nations

United Nations S/2012/16

Security Council

Distr.: General
9 January 2012

Original: English

Letter dated 6 January 2012 from the Chair of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I have the honour to refer to Security Council resolution 1963 (2010), which directs the Counter-Terrorism Committee Executive Directorate to submit, by 31 December 2011, a global survey of the implementation by Member States of Security Council resolution 1624 (2005).

I am therefore pleased to submit herewith, for the consideration of the Council, the global survey of the implementation by Member States of Security Council resolution 1624 (2005), which was adopted by the Committee on 30 December 2011.

The survey was prepared by the Counter-Terrorism Committee Executive Directorate on the basis of information available as at October 2011. It provides an assessment of the implementation of resolution 1624 (2005) in regions and subregions, and draws conclusions about progress in the implementation of the resolution in key thematic areas.

The survey provides an assessment of the evolution of risks and threats and the impact of the implementation by Member States of resolution 1624 (2005). It also identifies gaps in the implementation and proposes new practical ways to implement the resolution.

I would be grateful if the present letter and report could be circulated as a document of the Security Council.

(*Signed*) H. S. **Puri**
Chair
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

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Global survey of the implementation by Member States of Security Council resolution 1624 (2005)

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I. Introduction

1. Security Council resolution 1963 (2010) directs the Counter-Terrorism Committee Executive Directorate to submit, by 31 December 2011, a global survey of the implementation by Member States of Security Council resolution 1624 (2005).

2. Security Council resolution 1963 (2010) further directs that the survey shall, inter alia:

- Assess the evolution of risks and threats and the impact of the implementation by Member States of resolution 1624 (2005)
- Identify gaps in implementation
- Propose new practical ways to implement the resolution

3. The present survey, submitted pursuant to the above directives, addresses all relevant issues raised by resolution 1963 (2010) and ends with a number of conclusions and recommendations.

4. The survey was compiled on the basis of information from several sources. It is based in part on reports submitted by Member States to the Counter-Terrorism Committee pursuant to paragraph 5 of resolution 1624 (2005), which calls upon all States to report on the steps they have taken to implement the resolution. As at 31 October 2011, 113 States had submitted reports on their implementation efforts. It also draws upon supplementary information provided by 35 States in response to a request of 27 May 2011 by the Chair of the Committee to States that had previously submitted reports. The Executive Directorate is grateful to those States that provided this information.

5. The survey is further based on information received from several international, regional and subregional organizations in response to a letter from the Executive Director of the Executive Directorate requesting information on their work relevant to the implementation of the resolution. This information was especially valuable in view of the request made by the Security Council in the resolution that the Committee work with States to help build capacity, including by sharing best legal practice and promoting exchange of information. Lastly, the survey is based on information gathered by the Executive Directorate in the course of its normal work activities (including country visits conducted on behalf of the Committee).

6. The Committee has previously submitted two reports to the Council on the implementation by Member States of resolution 1624 (2005), pursuant to paragraph 6 of the resolution.[1] Those reports were essentially summaries of the information submitted by States in their reports to the Committee. The present survey goes further, in accordance with the mandate contained in resolution 1963 (2010), by providing not just a compilation of information, but also an analysis of the implementation of the resolution to date; assessing the context in which the resolution is being implemented, as well as its impact; and making recommendations on how implementation can be strengthened.

7. The survey was prepared in recognition of the fact that, at its core, resolution 1624 (2005) is concerned with the prevention of terrorism. The resolution refers to the prohibition and prevention of incitement to commit acts of terrorism

[1] S/2006/737; S/2008/29.

(hereinafter, "incitement"); strengthening of international cooperation to that end, including on border security; enhancement of dialogue and understanding among civilizations; countering incitement; and preventing the subversion of educational, cultural and religious institutions by terrorists and their supporters. It is thus concerned largely with aspects of social contexts that may be conducive to the spread of terrorism. The resolution also emphasizes the importance of ensuring that any measures taken to implement the resolution comply with States' obligations under international law, including their human rights obligations. By placing increased emphasis on the social context and on prevention, the survey represents a further step in the evolution of the work of the Committee and the Executive Directorate to counter terrorism in accordance with the relevant Security Council mandates.

II. Evolution of risks and threats and impact of implementation

8. More than six years after the adoption of resolution 1624 (2005), the risk and threat of incitement to commit acts of terrorism remain serious in most parts of the world. There are differences, however, in the level of risk and threat, including among States of the same region or subregion. In some States, incitement — both in public spaces and via electronic media, especially the Internet — occurs frequently, is pervasive and seems to find receptive audiences, creating a significant risk that terrorist acts will ensue. One State noted its concern at a variety of radical forces — including religious, nationalist, anarchist and separatist forces — that seek to destabilize the country and spark unrest. In the view of this State, such activity, in its most extreme form, often leads to violent extremism and loss of life. Other States consider the threat of incitement to be low, often because of domestic social or demographic conditions which, in their view, reduce the likelihood both of incitement and of resulting acts of terrorist violence. Nonetheless, even those States that report a low threat level stress that they maintain a high level of vigilance.

9. Although relatively few States are concerned with an imminent threat of incitement, nearly all States recognize the existence of the risk of incitement. One State observed that, while global counter-terrorism efforts had substantially weakened the leadership of the Al-Qaida organization, the source of the threat had shifted to groups affiliated with, but separate from the core organization, as well as to individuals affected by the ideology of such groups and by their incitement to violence. Several States stressed that terrorism must not be associated with any religion, nationality, civilization or group and that the terrorist threat stemmed from multiple sources, including extreme right-wing and xenophobic groups. The fact that incitement can be perpetrated by individuals or small groups of individuals is a matter of particular concern to some States. Most States made clear that the array of measures called for by resolution 1624 (2005) remained relevant to the maintenance of international peace and security and should therefore continue to merit the Committee's close attention.

10. The ability to engage in incitement depends on the ability to communicate. When considering the evolution of the risk of incitement, one must bear in mind that forms and means of communication have evolved substantially since the adoption of resolution 1624 (2005). Powerful communications media — particularly the Internet and mobile telephone technology — now carry messages to all corners of the globe, enabling anyone with any kind of message to reach vast audiences, almost instantly. When the resolution was adopted, many States were only just beginning to address

the challenge of Internet communications. The volume and forms of messaging to be found on the Internet and elsewhere have since increased dramatically.

11. It should be added that, in some parts of the world, access to high-technology communication — especially the Internet — is limited, and that the means of incitement that might be used in those parts of the world are therefore more traditional. There is a need for further research on the impact of different forms of communication on the risk and threat of incitement and thus of terrorist acts. Nonetheless, it may be stated that the rapid evolution in communications technology has, overall, made the risk of incitement worldwide greater today than it was in 2005. It should be added, however, that (as also noted below) advances in communication also offer promising new avenues for countering terrorist narratives.

12. Most States have adapted their criminal laws to prohibit incitement in accordance with resolution 1624 (2005). Perhaps in consequence, some have successfully prosecuted and convicted individuals for incitement or for otherwise supporting acts of terrorism. Some States have prevented the international movement of persons suspected of being guilty of incitement or denied them safe haven. There has also been progress in the exchange of information concerning such individuals — notably through the International Criminal Police Organization (INTERPOL) — as well as in cooperation in border security.

13. Many international conferences, workshops and academic studies have been conducted with the aim of clarifying the precise nature of incitement and its methodologies and of identifying effective criminal justice and other responses. Substantial resources have also been invested — at the national, regional and international levels — in initiatives aimed at enhancing dialogue and understanding among civilizations and at countering incitement motivated by extremism and intolerance. All such measures have undoubtedly served to raise awareness, develop common understanding and counter the risk and threat of incitement. This progress is in part the result of the implementation by States of resolution 1624 (2005).

14. However, international human rights bodies and others have also raised the concern that certain measures aimed at tackling incitement may have been excessive or overreaching and may have infringed on human rights, including the rights to freedom of expression and freedom from discrimination. This could be counterproductive, as it creates the risk that certain communities may become alienated from national and international counter-terrorism efforts. Implementation of resolution 1624 (2005) is especially challenging owing to the different definitions given by States to incitement and to the term terrorism itself. It should be recalled that the resolution states, in paragraph 4, that States must ensure that any measures taken to implement the provisions of the resolution comply with all their obligations under international law, in particular international human rights law, refugee law and humanitarian law.

15. In a broader sense, the degree to which the risk and threat of incitement evolves will likely depend upon the progress made by States in addressing the "conditions conducive to the spread of terrorism", as defined by the General Assembly in its 2006 Global Counter-Terrorism Strategy.[2] Those conditions include, inter alia, prolonged unresolved conflicts; dehumanization of victims of terrorism in all its forms and manifestations; lack of the rule of law and violations of human rights;

[2] General Assembly resolution 60/288.

ethnic, national and religious discrimination; political exclusion; socio-economic marginalization; and lack of good governance. All these conditions give rise to grievances or create conditions that are ripe for exploitation by individuals from various backgrounds, religions and beliefs who are determined to incite terrorist acts. Both the General Assembly and the Security Council have clearly stated that none of these conditions can excuse or justify acts of terrorism. It should also be noted that many Member States are making serious efforts to address these conditions. Nonetheless, as long as such conditions persist, it is likely that both the risk and threat of incitement worldwide will remain significant.

III. Assessment of implementation of resolution 1624 (2005) by region

A. Africa

1. Legal measures, including measures to prohibit and prevent incitement

16. Although the overall level of reporting by African States is low, the Committee and Executive Directorate have received considerable information on their implementation of resolution 1624 (2005) through country visits and other forms of information-sharing. Several States of the region have specifically criminalized incitement to commit acts of terrorism, and many of those that have not yet done so either include incitement in their criminal codes as a generic offence or criminalize other relevant accessory offences, such as complicity, instigation or provision of material support. Some States are considering further amendments to their criminal codes in order to implement the resolution. Several States have criminalized "justification" of acts of terrorism, while others state that they have enacted relevant legislation on the basis of the Arab Convention on the Suppression of Terrorism.

17. Several States refer to measures in place to prohibit incitement to racial, religious or other forms of discrimination, hatred or violence, or to prohibit the support of war crimes or crimes against humanity. One State has taken security measures to monitor and detain extremists and curb their activities and to curtail their propaganda. Some African States appear to criminalize incitement through laws that are overbroad (e.g. laws that criminalize threats to State security generally, without further elaboration).

18. Some African States have established coordinating bodies involving law enforcement agencies and other authorities to promote coherence in their counter-terrorism efforts, including with respect to incitement. Many have also strengthened their cooperation on border security with other African States or (as in North Africa) with European States. All States cooperate to varying degrees with INTERPOL.

19. At the regional level, the African Centre for Studies and Research on Terrorism, established under the auspices of the African Union, noted that all relevant African Union instruments, including the Convention on the Prevention and Combating of Terrorism, refer to the threat of incitement, the necessity of criminalizing it and the need for coordinated international responses. Incitement is also criminalized in the African Union Comprehensive Anti-Terrorism Model Law, adopted in July 2011. The Capacity-Building Programme against Terrorism of the Intergovernmental Authority on Development helped to promote the Model Law in Eastern and North-

Eastern Africa. The Programme was relaunched as the Intergovernmental Authority on Development Security Sector Programme in October 2011 and intends to be more active in this area, including through conferences on de-radicalization and community engagement to counter terrorism.

2. Enhancement of dialogue and understanding

20. Many African States strongly support the United Nations Alliance of Civilizations and other similar initiatives, including those of the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Organization of Islamic Cooperation (OIC), the Islamic Educational, Scientific and Cultural Organization and, in the context of Europe and the Mediterranean, the Anna Lindh Euro-Mediterranean Foundation for the Dialogue between Cultures, based in Alexandria, Egypt.

21. At the national level, one State reported that its society was both multi-ethnic and multireligious, and that promotion of tolerance (including religious tolerance) was a fundamental objective and principle of State policy, as enshrined in its constitution. This State noted that it used the media and targeted programmes to promote tolerance and dialogue among all faiths and ethnic nationalities and that many of its constituent States had established interfaith committees or groups comprising different religious leaders to promote understanding and tolerance. Another State reported that it had set up an institute devoted to its various national cultures and that it had held many forums, at the national and international levels, to engage in dialogue and exchange views on civilizations, including with Asian and European States. It has also set up a Council on People's Friendship, which works towards the same objective and represents a form of popular diplomacy that serves to strengthen relations and mutual understanding. This State has also set up an interreligious council and, within its Ministry of Guidance and Endowments, a Department of Churches and a Commission for Non-Muslim Rights.

3. Countering incitement motivated by extremism and intolerance

22. One State noted that its Ministry of Guidance had established an awareness-raising programme that called for moderation and reasonableness in the presentation of religious views, and that an organization led by a well-known national intellectual had been established to mediate in religious matters. Moreover, working in coordination with religious scholars and intellectuals, the security authorities had established a successful programme to counter ideas advocated by certain extremists. Another State stressed the role of the media and noted that its broadcasters had been mandated to strengthen efforts to spread a culture of peace and tolerance, including in the area of children's programming. With respect to the Internet, this State has also worked to protect the public (particularly young people), including by creating websites on various religious topics.

23. One State has pursued counter-radicalization efforts among militant groups and supported the production by these groups of publications countering extremist ideology. These publications, including one that repudiated Al-Qaida, have been distributed internationally, including on Internet sites. Individuals imprisoned for terrorist activities who demonstrate over time that they have abandoned their terrorist beliefs and ideologies are conditionally released, monitored and sometimes engaged by the Government, universities, research centres or non-governmental

organizations (NGOs) to work on counter-terrorism initiatives. This State has introduced rehabilitation programmes that help released individuals to reintegrate into society, including by promoting their access to higher education and helping them to find employment.

24. One State noted that its law did not permit the establishment of faith-based political parties and that the existence of many interfaith marriages had helped to strengthen tolerance among religions. It also noted that the national identity card made no mention of religion or ethnic origin.

25. The African Centre for Studies and Research on Terrorism informed the Executive Directorate of several African programmes for the de-radicalization and rehabilitation of persons involved in terrorism, some of which might be considered as best practices. It noted its concern about individuals who, having left their States to study abroad, had become radicalized and then returned home to preach intolerance. Some States are trying to address this problem through dialogue with potential terrorists in order to change their ideas through intellectual engagement. The Centre noted that some African States were addressing the problem through a dual approach, incorporating an operational element (based on intelligence-gathering and monitoring) and a community-based approach (based on close relations between local authorities and community religious leaders and intellectuals). It recognized that these processes required considerable effort, patience and understanding.

4. Preventing the subversion of educational, cultural and religious institutions

26. One State noted that, although its authorities were not unduly concerned at radicalization in most of its communities, there was uncertainty with respect to recent émigré communities, as well as persons who had recently returned from abroad. Any trends toward radicalization in educational institutions would fall under the authority of the Ministry of Education. Moreover, although there were no relevant regulations in place, programmes provided by religious institutions were, in practice, subject to various forms of oversight by their respective communities. Another State noted that its Ministry of Education, assisted by the Ministry of Religious Affairs, had introduced national rules governing programmes implemented in schools and in cultural and religious institutions and that inspectors monitored the implementation of such programmes.

27. One State noted that even though foreign preachers could move freely around its territory, their religious activities were monitored and they were not permitted to deliver radical sermons. Another State noted the need for involvement of all Government sectors in this area, including ministries responsible for education, culture, religious affairs and worship, and the media. It had introduced civic education into the school system, reviewed the curricula of religious schools, and set up programmes to promote human rights and international humanitarian law. With respect to religious affairs and worship, this State had initiated programmes and events designed to reappropriate the tenets of religion and reform religious education. It had also supported the production of films, as part of a campaign against fundamentalism and obscurantism, and established new libraries and cultural centres. The importing of certain religious publications was monitored, with due respect to the rights to freedom of conscience and religion.

5. International law, including human rights

28. Several States of the African region stressed their determination to ensure that measures designed to safeguard the public from terrorist acts were taken within the law and in conformity with their obligations under international law. Several States also noted that, in accordance with their respective constitutions, the provisions of international treaties, once ratified, took precedence over domestic law.

B. Asia

1. Legal measures, including measures to prohibit and prevent incitement

29. Several States of the Asia region have criminalized incitement to commit terrorist acts. Others are considering amending their criminal legislation for the same purposes. Whether or not they have specific measures in place, most Asian States consider that they can cover acts of terrorist incitement through legal provisions prohibiting incitement to commit any criminal act or other accessory offences, such as threatening, acting as an accomplice or assisting in the commission of such acts.

30. One State noted that, while its Constitution guarantees the right to freedom of expression, the right may be subject to reasonable restrictions, including in the case of speech amounting to incitement. That State further expressly criminalizes incitement to commit a terrorist act. Another State has introduced a draft amendment to its counter-terrorism law that would criminalize incitement where the perpetrator both intended to incite the commission of a terrorist act and where such act, "whether or not directly advocating the commission of a terrorist act, causes a danger" that such an act might be committed. This amendment, which is in line with article 5 of the Council of Europe Convention on the Prevention of Terrorism, would impose a penalty of 30 years' imprisonment on offenders. In the case of some States, measures prohibiting incitement appear to be vague or overbroad.

31. Concerning internal coordination, many Asian States have established centralized agencies or bodies with mandates to coordinate counter-terrorism activities and analyse related intelligence, including with respect to incitement. These agencies and bodies are often responsible for information exchange with other States, international organizations and other partners. Several States provided the Executive Directorate with lists of bilateral and multilateral agreements reached with other States, as well as initiatives such as "hot lines", operating both in Asia and beyond, for the exchange of relevant information, denial of safe haven, mutual legal assistance and other forms of cooperation.

32. One State noted that its national police force deployed about 500 community intelligence officers to areas frequented or inhabited by mixed populations to closely monitor possible conflict or instigation by extremists or terrorists. Another stated that it had launched a campaign for its population to participate in national security defence and had instructed its agencies to disseminate information and mobilize various non-Governmental actors to join in the protection of national security. Another State noted that the main responsibility for prevention was vested in the national army and its intelligence directorate and noted that the presence of refugee camps on its territory posed a particular challenge.

33. Asian States have undertaken numerous initiatives to strengthen border security, including the introduction of enhanced passenger-screening processes for air and sea travellers; the introduction of biometric identification systems and other enhanced security features into identification documents; and the establishment of programmes to develop integrated and automated alien registration and monitoring systems. Several States mentioned the important roles played by the Association of Southeast Asian Nations (ASEAN) Association of Heads of Police, the Gulf Cooperation Council and INTERPOL in this regard.

34. The League of Arab States noted that paragraph 3 of the Arab Convention on the Suppression of Terrorism had been amended in 2008 to include incitement to commit terrorist acts. The Gulf Cooperation Council is developing model guidelines for preventing use of the Internet by persons involved in terrorist activities.

2. Enhancement of dialogue and understanding

35. Asian States are involved in many initiatives at the international, regional and national levels to enhance dialogue and understanding among civilizations. Several States highlighted the importance of the Asia-Europe Meeting, which is an informal process of dialogue and cooperation involving 19 Asian States, the ASEAN Secretariat and European Union member States. The Fifth Asia-Europe Meeting Interfaith Dialogue of 2009 led to the adoption of the Seoul Statement on Interfaith Dialogue. The Seventh Asia-Europe Meeting Interfaith Dialogue was held in Manila in October 2011.

36. Initiatives have also been launched within the framework of the Non-Aligned Movement. In March 2010, the Government of the Philippines hosted the Special Non-Aligned Movement Ministerial Meeting on Interfaith Dialogue and Cooperation for Peace and Development, at which the Manila Declaration and Programme of Action were adopted. Several States have ratified and promoted the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions. One East Asian State mentioned a series of seminars on dialogue with the Islamic world, held in partnership with a West Asian university.

37. Many initiatives are taking place at the national level. One East Asian State informed the Executive Directorate that it worked with civil society and religious groups to promote interfaith dialogue at the grass-roots level, for example through conferences bringing together leaders of various religious faiths. This State has developed a community-based education manual based on the concept of "tri-people" (Christians, Muslims and indigenous peoples living in particular regions) and is integrating peace education into the school system. One West Asian State has established a national committee for Islamic-Christian dialogue and recently organized a comprehensive "spiritual summit". Many States have taken national measures in support of the Alliance of Civilizations. One State noted that it had established an international centre for interfaith dialogue and had organized and hosted many related events.

3. Countering incitement motivated by extremism and intolerance

38. Several States of the Asia region have actively supported the development of counter-narratives, including for use on the Internet, in order to challenge the ideological and religious flaws underpinning terrorist ideologies. Some have cooperated closely in this area with United Nations entities, including the Counter-

Terrorism Implementation Task Force Working Group on Countering the Use of the Internet for Terrorist Purposes.

39. Another area in which several Asian States have been active is the development of rehabilitation programmes for persons who are detained or imprisoned in connection with their alleged or proven involvement in terrorist acts. These multifaceted programmes address the alleged religious justifications for terrorist activity and take into account broader social issues and personal situations that may contribute to the choice to resort to terrorism. One State supplements its work in this area with online operations, including "cyber dialogues" with extremists aimed at persuading them to renounce extreme ideologies. The League of Arab States stated that its Expert Group on Counter-Terrorism had recently emphasized the importance of countering terrorist ideologies and had asked its Secretariat to compile the experiences and reports of States in this area and to disseminate success stories.

40. Some States cited criminal laws prohibiting incitement of hatred, stigmas and ethnic division. One State has put in place a programme of "motivational measures" through which it conducts outreach to religious and other social communities in an effort to draw attention to the values of peace and tolerance. Another described a successful mechanism for coordination among ministries, agencies and localities to address disputes and religious and ethnic complaints. This State has set up mechanisms for coordination between national and international institutions and is gradually eradicating the conditions conducive to extremism and intolerance. It has also invested in socio-economic development and infrastructure, while also promoting communication and education on religious and ethnic policy.

41. One State described programmes to instil democratic values in young people, teach them to practise tolerance and instil the principle of moderation and acceptance of others; religious programmes (both audio and visual) to promote tolerance and reject any manifestation of extremism; and courses and workshops for preachers in religious institutions, emphasizing the dangers of terrorism and promoting religious sermons that are characterized by moderation. This State noted that numerous fatwas had been issued nationally on the rejection of extremism and terrorism with a view to orienting people towards moderate principles. Films and television programmes have been produced, publication of materials deemed inflammatory has been halted and the importing of such materials banned.

4. Preventing the subversion of educational, cultural and religious institutions

42. One State referred to a programme to promote an exchange of views between religious leaders of different faiths, aimed at fostering moderate education in religious schools. Another monitors non-profit foundations to ensure that funds are utilized in accordance with the principles stated in their articles of incorporation. However, this State added that no incidents relating to terrorism or the financing of terrorism through non-profit foundations have been discovered. Another State cited a number of lectures by religious leaders organized with the support of its Ministry of Endowments and Religious Affairs, aimed at promoting moderate religious discourse that disavows extremism, fanaticism and acts of violence.

43. One State has instituted reforms aimed at bringing privately funded religious schools into the mainstream education system, including by creating a special education board and requiring modernization of all curricula. This State also intends to improve training for teachers working in private religious schools and to enforce

a standard school-accreditation policy. Another State noted that the increase in the number of private religious schools had been due in part to challenges faced in providing basic education to all children. Privately operated schools were required to register within one year of their establishment and submit annual reports on their educational activities, and were expressly prohibited from publishing any literature promoting militancy, sectarianism or religious hatred. Schools that refused to register or that had links with proscribed terrorist organizations were closed down. This State has also worked to reform curricula that are confined largely to traditional theological subjects, with a view to including non-religious subjects such as mathematics, sciences and foreign languages.

44. Some Asian States, including some Pacific Island States, noted that they did not consider subversion of this kind to be an area of high concern. However, they also noted that any criminal activity, if detected, would be prevented or punished in accordance with their general legal provisions.

5. International law, including human rights

45. Several Asian States stressed their respect for their obligations pursuant to international law, and some noted the related provisions in their national constitutions. One State noted that all its national and local authorities were legally obliged to notify the national human rights institution when establishing rules that might affect or concern human rights. Another noted that it was making preparations to establish a national human rights institution. Several States referred to safeguards in place, including those relating to equality before the law, prevention of discrimination, respect for the presumption of innocence and due process in criminal cases, and compliance with the principle of non-refoulement. One State noted that its counter-terrorism law, adopted in 2007, provided that the law's implementation "shall uphold the basic rights and fundamental liberties of the people as enshrined in the Constitution".

C. Eastern Europe

1. Legal measures, including measures to prohibit and prevent incitement

46. Most Eastern European States have criminalized incitement to commit terrorist acts. Those that have not yet done so rely instead on general provisions prohibiting incitement to commit any criminal act. Several States have criminalized the justification or glorification of terrorism. (Some international human rights bodies have expressed the concern that the definition of this offence is sometimes overbroad.) Several States referred to prohibitions in their criminal legislation against hate speech and advocacy of discrimination or violence based, for example, on religion, nationality or ethnicity. One State noted an amendment to its criminal code allowing municipalities to ban public assemblies three days in advance if they appear intended to defame a nation, race, ethnic or other social group or to incite criminal acts.

47. Some States of this region have assumed an obligation to criminalize the "public provocation" of incitement by ratifying the 2005 Council of Europe Convention on the Prevention of Terrorism, which defines public provocation as "the distribution, or otherwise making available, of a message to the public, with the intent to incite the commission of a terrorist offence, where such conduct, whether

or not directly advocating terrorist offences, causes a danger that one or more such offences may be committed".

48. Several States have established central bodies to coordinate counter-terrorism activities (including activities aimed at incitement), comprising agencies responsible for various aspects of their national counter-terrorism programmes. Many such bodies include representatives of Government offices responsible for areas other than criminal law enforcement, such as labour and social affairs ministries. One State referred to the creation of a "joint intelligence working group" designed to facilitate sharing of relevant information.

49. Some States stressed the role of community policing in the context of preventing incitement, often referring to the European Union Community Policing in Preventing Radicalisation initiative, which highlights the importance of early detection and creation of partnerships between police, civil society and local communities to help prevent and counter violent radicalization. One State noted that it conducted police work in areas with heavy concentrations of foreign nationals and organizations that hired migrant workers, with a view to identifying persons who are recruiting for terrorist organizations or planning terrorist or extremist activities.

50. One State noted that incitement to commit acts of terrorism fell within the meaning of "extremist activity", which was prohibited by law and included public justification of terrorism, instigation of social, racial, ethnic or religious conflict and public calls for violent overthrow of the constitutional order. It stated that such conduct could also be covered by provisions prohibiting assistance to criminal activity and crimes motivated by political, ideological, religious or other forms of hatred. Its laws provide for the banning of organizations, and it has banned a number of organizations on grounds of involvement in terrorism or extremism. Its law enforcement agencies recently suppressed the activities of radical cells of religious organizations in several national regions.

51. Several East European States participate in the "Check the Web" project (launched under the German presidency of the European Union), which aims to strengthen international cooperation among police agencies and the European Police Office (Europol) in monitoring and evaluating open Internet sources that could contain messages of incitement. Several States are also working to improve their law enforcement agencies' knowledge of information technologies and cybersecurity. One State noted that it had recently blocked several Internet sites on the grounds that they were "propagandizing terrorist ideas". Another stated that its national counter-terrorism plan aimed to prevent the infiltration of radical ideas and their propagators into groups and communities, as a means of recruiting terrorists.

52. There is extensive cooperation in the region, in the area of border security. European Union member States work together within the framework of the Schengen Agreement and through the Warsaw-based European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union. Border cooperation also occurs in the context of initiatives of the Commonwealth of Independent States and the Organization for Security and Cooperation in Europe (OSCE). One State cited the example of individuals who had been denied entry over the past decade owing to suspicion of their involvement in international terrorist activity. Another referred to the risks of increased migration flows, radical movements and activation of international terrorist networks in the immediate vicinity of Europe, although it stated that it

detected no immediate threat to its territory. One State has established a system of interdepartmental cooperation to prevent entry by members of terrorist organizations, ideologues, fighters and financers of terrorism.

53. The Anti-Terrorism Centre of the Commonwealth of Independent States has paid close attention to the issues of terrorist provocation and instigation. It has promoted international cooperation through initiatives involving both law enforcement and special services and has included, in its 2011-2013 programme of action, the issues of countering provocation and the dissemination of extremist ideologies, including on the Internet and modern information technologies. It also places emphasis on prohibiting and blocking Internet sites that contain extremist materials and on the regulation of problems in this field.

54. OSCE has promoted the effective prohibition and prevention of incitement through many initiatives, including four expert workshops devoted to this theme, organized in part by its Action against Terrorism Unit between 2005 and 2010. OSCE, through its Strategic Police Matters Unit, also collects good policing practices and guidelines, including in relation to democratic policing and public-private partnerships. Much of the work of OSCE in this area is conducted through its field operations in the region.

2. Enhancement of dialogue and understanding

55. Several States of the Eastern European region belong to the Group of Friends of the Alliance of Civilizations and also participate in relevant Council of Europe, European Union and OSCE initiatives. One State is currently developing a national strategy for implementing Alliance of Civilizations projects in the areas of education, culture, labour and social affairs, law enforcement, administration of justice and foreign affairs. Another held an international seminar in 2009 on strengthening counter-terrorism cooperation and dialogue between Government agencies, the mass media and civil society. Representatives of civil society were invited to respond to a survey on terrorism risks, Government policy and related issues on an official website of the State counter-terrorism centre.

56. One State referred to a symposium held in December 2010 on the situation of Muslims in Central and Eastern Europe, which it had co-hosted with OIC and a national Muslim religious association. Another State mentioned a project of its Ministry of Labour and Social Policy to train Government officials in the cultures of recent immigrants and to educate recent immigrants on the culture of their host country. One State recently hosted a meeting of the Group of Eminent Persons of the Council of Europe on the project entitled "Living together in 21st Century Europe" and also organized an international conference on Christian-Jewish-Muslim interfaith dialogue. Another State noted that it had taken no specific national measures on dialogue and understanding, because there was no significant conflict or hatred among its different ethnic and social groups. However, it has attended international events focusing on such matters.

57. One State noted that it devoted considerable attention to this issue. Its Ministry of Internal Affairs worked with several non-governmental organizations, including human rights groups, to discuss unsatisfactory investigations and searches for persons involved in terrorist or extremist crimes. The Ministry also organized conferences and other events, together with spiritual leaders from traditional

religions, with the aim of involving civil society in combating terrorism through public information.

3. Countering incitement motivated by extremism and intolerance

58. Several States have developed national strategies and action plans to counter incitement. One State noted that it had developed a five-year national counter-terrorism strategy (currently undergoing public review), which would incorporate issues related to preventing and countering radicalization. It had also conducted seminars and workshops, at the community level, at which the media, private sector, academic experts and non-governmental organizations had discussed measures to counter radicalization. Another State referred to its public outreach efforts, conducted in part through the mass media.

59. Some States of this region implement the European Union 2005 Strategy for Combating Radicalisation and Recruitment to Terrorism, which aims to "disrupt the activities of the networks and individuals who draw people into terrorism; ensure that voices of mainstream opinion prevail over those of extremism; [and] promote yet more vigorously security, justice, democracy and opportunity for all". OSCE member States support projects in the context of the programme on countering violent extremism and radicalization that lead to terrorism, which promotes greater understanding of these phenomena, as well as the exchange of good practices and lessons learned.

60. In one State, officials use powers conferred by counter-extremism laws to issue warnings and give notice, through the mass media, that extremist activity is not permitted and to seek court orders to liquidate extremist organizations, ban their activities and halt their operations. This State has organized a seminar on "Developing measures to enhance the detection and removal from circulation of printed and audio-visual material whose content is aimed at instigating ethnic, racial or religious enmity". With the cooperation of civil society organizations, it continuously monitors mass media and the Internet for materials on planned and completed extremist offences and the activities of radical organizations. It has also produced a documentary on the criminal activities of radical Islamists and runs a programme for prisons aimed at preventing the ideological brainwashing of inmates by individuals serving sentences for involvement in terrorist or extremist activities.

61. One State promotes cooperation between Government and civil society by organizing events to counter xenophobia, ethnic or religious intolerance and hate speech. Recent events have included a round table on coexistence and tolerance between the Christian and Islamic civilizations in the Balkans, and other events have focused on integration of the Roma population. Its national security agency has issued guidelines on the identification and rehabilitation of young people who share the ideologies of extremist or radical organizations. Another State has developed a "Transition Promotion Program" with a prominent role for civil society that was used in its own recent experience with social transition and democratization, which it has shared with States in other regions that are undergoing major transformations in order to facilitate those processes.

4. Preventing the subversion of educational, cultural and religious institutions

62. One State noted that the best way to achieve this objective was to instil a sense of civic duty and the recognition that the public must report its concerns to law

enforcement authorities. Another stated that it had held 18 counter-terrorism training events over the previous year (mainly in educational and cultural institutions), and a third mentioned a conference on tolerance in inter-ethnic relations, organized by its Ministry of Internal Affairs, for students at leading universities and colleges.

63. One State cited a programme on cooperation between its national counter-terrorism centre and relevant institutions aimed at preventing the subversion of such institutions by terrorists and their supporters. It is also implementing the "School Cop" concept, through which individual police officers are assigned to schools to build trust and help in crime prevention. One State noted that it considered the risk of subversion of such institutions to be low but remained vigilant.

5. International law, including human rights

64. One Eastern European State noted that all its draft laws were reviewed by a parliamentary committee to ensure compliance with international legal obligations. Another stressed that all relevant measures must respect the principle of proportionality and should be designed to minimize their impact on freedoms and civil liberties. A third State highlighted the challenge of regulating incitement, noting that the legitimacy of limitations on freedom of speech and assembly were delicate issues that required a balanced response from the judiciary, the Government and the legislature. Under its constitutional court's jurisprudence, "only the most extreme forms of hate speech, i.e. incitement liable to provoke immediate violent acts, are presently outlawed". It also noted that acts of terrorism were defined as common crimes and dealt with under standard criminal procedures, rather than under special rules or by special tribunals.

D. Latin America and the Caribbean

1. Legal measures, including measures to prohibit and prevent incitement

65. Most States of Latin America and the Caribbean address the offence of incitement through general provisions criminalizing incitement with respect to any offence, as well as through provisions prohibiting aiding and abetting, counselling, or the provision of material support. Most States have either reformed their criminal codes or adopted a *lex specialis* to penalize incitement to commit terrorist acts. Some States noted that even though they did not consider the threat of terrorist incitement to be high, they continued to exercise vigilance. One State noted that the threat of the "lone wolf" terrorist posed a particular challenge to prevention efforts.

66. Several regional cooperation mechanisms have been established to enhance States' ability to collectively prevent incitement and deny safe haven in the Latin American and Caribbean region. Cooperation occurs within the framework of the Inter-American Committee against Terrorism of the Organization of American States. Within the framework of the Southern Common Market, a key mechanism is the Standing Working Group on Terrorism, which has an information-sharing function. The Tri-Border Tripartite Command serves a similar purpose for cooperation between Argentina, Brazil and Paraguay. In the Caribbean, cooperation occurs mainly within the framework of the Caribbean Community. Central American States cooperate through the Central American Integration System.

67. Forty parliamentarians from Argentina, the Plurinational State of Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay and the Bolivarian Republic of Venezuela met in Buenos Aires in July 2011 to sign the "Joint Declaration against Terrorism and Incitement to Terrorism", pledging to work together in that regard. The 22 member States of the Latin American Parliament have adopted a legal framework for policymaking and the implementation of joint projects in Latin America in areas such as prevention of incitement and countering hatred, as agreed in the Sao Paulo Declaration. In Central America and the Caribbean, the San José Dialogue process runs programmes on integration and the prevention of terrorism and incitement.

2. Enhancement of dialogue and understanding

68. States of this region demonstrate a strong commitment to enhancing dialogue and broadening understanding among civilizations. Many are members and supporters of the Alliance of Civilizations, and several highlighted initiatives relating to the eradication of discrimination and protection of the rights of indigenous peoples. There have also been initiatives at the national and international levels to promote the rights of people of African descent and for international cooperation relating to Holocaust education and research. Some States implement the principles adopted at the Special Non-Aligned Movement Ministerial Meeting on Interfaith Dialogue and Cooperation for Peace and Development, held in March 2010 in Manila.

3. Countering incitement motivated by extremism and intolerance

69. Many efforts to counter incitement motivated by extremism and intolerance are directed at the problems of xenophobia, discrimination and racism. Virtually all States have put in place programmes and policies aimed at promoting tolerance among peoples, religions and civilizations, although few such programmes are primarily concerned with incitement to commit acts of terrorism. Some States have developed national plans against discrimination (including in follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance) and have also developed national plans in follow-up to the high-level meeting on inter-religious and intercultural dialogue, in implementation of General Assembly resolution 63/22. One State has established programmes entitled "The Way to Peace and the Strategy against Terrorism" and "Democratic Security and Human Rights", which have resulted in constitutional reforms designed to address relevant problems at their roots. The Inter-American Committee against Terrorism has also initiated, together with the Council of Europe and the Government of Spain, a bi-hemispheric workshop on countering radicalization and incitement to commit terrorism.

4. Preventing the subversion of educational, cultural and religious institutions

70. States of this region have generally not identified the subversion of such institutions by terrorists and their supporters as a major threat but remain alert to possible changes in this regard. States mainly address this issue through domestic intelligence-gathering. Several States stressed that they strove to ensure full respect for freedom of worship and belief.

5. International law, including human rights

71. All Latin American and Caribbean States stressed that they addressed implementation of the resolution while also striving to comply with their obligations under international law, including their human rights obligations. Several States referred to legal frameworks set up to implement obligations pursuant both to the United Nations and regional instruments, including the American Convention on Human Rights. Some States referred to training programmes for police and other law enforcement officials, and several referred to national mechanisms that played a role in this field, including, in one State, an independent commission of investigations that investigates complaints of abuse.

E. Western European and other States

1. Legal measures, including measures to prohibit and prevent incitement

72. Many States of this region have specifically criminalized incitement to commit a terrorist act. Those that have not done so cover this offence either through generic provisions criminalizing incitement or through ancillary offences such as aiding and abetting, solicitation, conspiracy or provision of material support. One State noted that it had broadened the basis upon which terrorist organizations could be listed in its Criminal Code to include organizations that advocate the commission of a terrorist act.

73. The criminalization of incitement in Europe was advanced by the adoption of the 2005 Council of Europe Convention on the Prevention of Terrorism. As at 31 October 2011, 28 States had ratified the Convention. As noted earlier, the Convention criminalizes the distribution of a message, with the requisite intent and causation of a danger, whether or not such message "directly" advocates terrorist offences. This latter element has raised some concern among human rights experts, including the former Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, on the grounds that it might be overbroad in calling on States to criminalize indirect advocacy. In a 2010 report on best practices, the Special Rapporteur suggested that States use the term "expressly" rather than "directly".[3]

74. European Union member States were also obligated to criminalize "public provocation" pursuant to 2008 amendments introduced to the 2002 European Union Framework Decision on Combating Terrorism. Similar concerns to those raised over article 5 of the 2005 Convention have been raised with respect to these amendments, on the grounds that they might permit the suppression of speech that did not rise to the level of incitement. Some human rights bodies have expressed concern over provisions in some Western European States criminalizing justification, glorification (or *apologie*) of acts of terrorism, although the European Court of Human Rights upheld a conviction for *apologie* in 2008.[4] Security Council resolution 1624 (2005), in its preamble, repudiates attempts at such conduct.

75. With respect to international cooperation, many States have strengthened intelligence-sharing among national law enforcement and intelligence agencies, as

[3] A/HRC/16/51, para. 30.

[4] *Leroy v. France*, App. No. 36109/03, European Court of Human Rights (2008).

well as with agencies of other States. The Five Country Conference created by Australia, Canada, New Zealand, the United Kingdom of Great Britain and Northern Ireland and the United States of America uses fingerprint checks and other measures to strengthen border security and prevent identity fraud. In the European Union and other States, cooperation takes place within the framework of the Schengen Agreement and through the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union. Several States cited bilateral and multilateral agreements with other States on cooperation in countering terrorism and other crimes.

76. Community policing is a key feature of the prevention strategies of many States of this region. Several States referred to the European Union Community Policing in Preventing Radicalisation initiative, which highlights partnerships between police, civil society and local communities. One State noted that its police had a long tradition of working together with different ethnic communities. In 2010, this State launched a new forum for enhancing dialogue and information exchange between the police and various ethnic minority groups, with the aim of countering discrimination and racism. Another State stressed the importance of a community-based approach, noting that well-informed families, local communities and local institutions were the most effective defences against violent extremist ideologies. This State is developing community-based policing efforts while also adamantly avoiding stigmatizing or blaming communities for the actions of a few individuals.

77. One State noted that it had recently created several new posts in its federal police agency to monitor terrorist activities on the Internet and conduct preliminary investigations. As noted above, the European Union has also launched the "Check the Web" project, aimed at strengthening international cooperation among police agencies and Europol in monitoring open Internet sources that could contain messages of incitement.

2. Enhancement of dialogue and understanding

78. Many States and regional organizations have invested heavily in initiatives to enhance dialogue and understanding among civilizations at the international, regional and national levels. Many belong to the Group of Friends of the Alliance of Civilizations, and one stated that it had recently adopted its second national plan for implementing its objectives. The Council of Europe and the European Union have put in place numerous initiatives to enhance understanding. The Council of Europe's approach is based in part on the "White Paper on Intercultural Dialogue" adopted by the ministers for foreign affairs of its member States in May 2008. This White Paper sets out a conceptual and practical framework for enhanced dialogue in a number of social areas. One recent initiative based on the White Paper was the "Exchange on the Religious Dimension of Intercultural Dialogue" held in Ohrid, the former Yugoslav Republic of Macedonia, in September 2010. The European Union designated 2008 as the "European Year of Intercultural Dialogue" and organized a range of activities intended to enhance dialogue and understanding.

79. The Anna Lindh Euro-Mediterranean Foundation for the Dialogue between Cultures brings together people from States of the Mediterranean to enhance dialogue. As noted above, enhanced dialogue is also pursued between the European Union and Asian States within the framework of the Asia-Europe Meeting. In the Asia-Pacific region, Australia and New Zealand, together with Indonesia and the

Philippines, sponsor the Asia-Pacific Regional Interfaith Dialogue, which held its fifth meeting in Perth, Australia, in October 2009. There have also been initiatives to promote dialogue between Governments, the private sector and civil society, including a conference on secure trade, organized by the Asia-Pacific Economic Cooperation in September 2011 and a workshop organized the same month by OSCE on enhancing tourism security. Several States of this region support international student, scholar and teacher exchanges aimed at promoting understanding.

80. Some States acknowledged the value of such dialogue, but did not consider it a priority at the national level, partly due to their predominantly homogenous populations. Most States, however, attached great importance to dialogue as a way to provide different communities with opportunities to express views, air grievances and contribute to national policymaking and strategies. Many States have established Government-funded offices to receive and address the concerns of members of different ethnic, religious and cultural communities.

81. One State cited its national plan for the integration of migrants, which stressed investment in educational initiatives. Another has established a foundation for pluralism and coexistence that focuses on preventing intolerance and violence by integrating religious minorities and improving understanding of minority groups. Another has created an interdepartmental working group on migration to implement measures to encourage integration, including in the areas of language skills and employment training, to promote dialogue with immigrants and to monitor xenophobia, racism and extremism.

3. Countering incitement motivated by extremism and intolerance

82. Several States have adopted broad national counter-terrorism strategies that include programmes for countering incitement. One State supports a major research and training initiative, involving scholars, policymakers and practitioners, to understand how violent extremism develops within individuals, groups and societies and consider effective ways to address it. Like other States in the region, it has launched a national strategy to empower local partners to counter and prevent violent extremism. One State cited a broad anti-radicalism plan, adopted in 2006, which aims to combat radicalization while also protecting democratic values. Another has adopted a national strategy consisting of guidelines and measures to address conditions conducive to the spread of terrorism and prevent radicalization. It stated that cooperation between Government and civil society was an essential part of efforts to prevent people from turning to terrorism and noted that it was stepping up its efforts to identify and investigate Internet hate speech.

83. One State referred to a European Union initiative that included a seminar on the prevention and identification of the radicalization of young people, which had resulted in recommendations for involving civil society, the private sector, teachers and others in addressing the problem. Another stated that it had organized a round-table meeting on violent radicalization, in September 2011, attended by representatives of other European States and overseas observers. One State had established a multifaceted diversity and social cohesion programme, in 2010, aimed at promoting mutual respect and a sense of belonging for everyone and at building community resilience. According to another State, any comprehensive State-led response to counter extremism must consider communities themselves as an integral

part of the national security framework. This State had promoted increased engagement with the media by different communities, warned of the potential isolation of communities and pressed Government agencies to understand the communities with which they engaged and allow healthy debate in order to prevent violent extremism.

84. At the regional level, the European Union launched, in September 2011, the Radicalisation Awareness Network, designed to connect key groups involved in countering violent radicalization across the European Union, including researchers, social workers, religious leaders, youth leaders, law enforcement officials and others. According to the European Union Home Affairs website, the Network will focus on how to challenge terrorist narratives and recruitment, including by encouraging credible opinion leaders to voice positive messages offering alternatives to terrorist narratives. It also aims to promote policy contributions at the national and European levels, including for implementing the 2005 European Union Strategy for Combating Radicalisation and Recruitment to Terrorism. As noted above, OSCE States support projects within the framework of the programme on countering violent extremism and radicalization that lead to terrorism.

4. Prevention of the subversion of educational, cultural and religious institutions

85. One State noted the important role played in this area by its Office for Ethnic Affairs, which works to promote knowledge of community organizations and strong, positive working relationships with different ethnic groups. It encourages communities to be self-monitoring and to counter polarizing views without Government interference as a more sustainable way to prevent radicalization within communities. Another State referred to a programme on "safe schools and healthy students" in which several Government departments work together to prevent violence and other problems in schools. One State noted that it had implemented initiatives to encourage interreligious and intercultural dialogue in schools and that one of its universities had introduced a course for religious leaders aimed at bringing out the democratic aspects of religious teachings and preventing the subversion of schools by extremists.

86. One State considered the risk of subversion of such institutions to be low and entrusted this area to the routine monitoring of its intelligence agencies. However, it also stated that in the area of education, its basic curricula included the teaching of intercultural dialogue and understanding for all students, including those of immigrant backgrounds. This State has few private educational institutions, but those that are affiliated with particular ideologies or educational philosophies must support the achievement of the national educational objectives established by the Government. Moreover, education cannot require students to commit themselves personally to adopting particular ideologies.

5. International law, including human rights

87. Several States referred to article 12 of the 2005 Council of Europe Convention on the Prevention of Terrorism, pursuant to which States parties must ensure that measures taken to implement the Convention respect human rights obligations, in particular the rights to freedom of expression, freedom of association and freedom of religion. Article 12 further provides that implementation measures "should be subject to the principle of proportionality, with respect to the legitimate aims

pursued and to their necessity in a democratic society, and should exclude any form of arbitrariness or discriminatory or racist treatment".

88. One State reported that its national counter-terrorism strategy required that the actions of authorities be consistent and transparent and ensure respect for the rule of law, democracy, fundamental rights and good governance. Another noted that its federal constitution provided for particularly robust protection for freedom of speech. European Union member States referred to their obligations under the European Convention for the Protection of Human Rights and Fundamental Freedoms and to the relevant jurisprudence of the European Court of Human Rights. Many States stressed the importance they attached to the right to freedom of expression and provided information on how they sought to reconcile this position with measures to prohibit and prevent incitement.

IV. Gaps in the implementation of resolution 1624 (2005)

89. In reviewing reports submitted by States on their implementation of resolution 1624 (2005) and other information, including information submitted by international and regional organizations, the Executive Directorate has identified several implementation gaps that may merit further attention.

A. Human rights challenges

90. Paragraph 4 of resolution 1624 (2005) stresses that "States must ensure that any measures taken to implement paragraphs 1, 2 and 3 of this resolution comply with all of their obligations under international law, in particular international human rights law, refugee law, and humanitarian law". This reflects the Council's recognition of the potential impact that improper implementation of the resolution could have on these international legal obligations.

91. In this regard, United Nations human rights bodies have raised concerns over interpretations given to the concept of "incitement" by different States. There are concerns that anti-incitement provisions in some States may be vague or overbroad, potentially covering non-violent political expression or other forms of advocacy and creating the risk that implementation could infringe on the right to freedom of expression or other rights. This situation is further complicated by differences of view regarding the definition of the term "terrorism" itself.

92. These divergent approaches could have both national and international implications for implementation of the resolution. At the national level, the overbroad application of the resolution's provisions may violate States' human rights obligations, which would be counter to the provisions of paragraph 4 of the resolution. Internationally, these divergences could create obstacles to effective cooperation (including in the areas of extradition, denial of safe haven and refugee protection) especially where there are grounds to fear that incitement charges are being misused for political purposes. The provisions of paragraph 2 of the resolution, on international cooperation and strengthened border security, depend to a significant extent on proper qualification of incitement-related offences.

93. The challenges involved in ensuring full respect for the right to freedom of expression while also subjecting exercise of the right to certain legitimate

restrictions have long been recognized. Article 19 of the International Covenant on Civil and Political Rights specifies that restrictions "shall only be such as are provided by law and are necessary: (a) for respect of the rights or reputations of others; [or] (b) for the protection of national security or of public order (ordre public), or of public health or morals". These principles have been applied in various ways with respect to incitement. For example, some States criminalize speech that justifies, "glorifies" or encourages acts of terrorism, while others criminalize expressive conduct using other terms and concepts that they consider are provided by law and necessary for protection of national security or of public order. These issues require careful consideration, especially since measures that are vague or overbroad run the risk of being counterproductive.

94. Other human rights questions are raised by the resolution's call on States to "take all measures as may be necessary and appropriate and in accordance with their obligations under international law to counter incitement of terrorist acts motivated by extremism and intolerance and to prevent the subversion of educational, cultural, and religious institutions by terrorists and their supporters" (para. 3). Even though the legitimacy of these goals is beyond dispute, measures taken to implement them could have serious implications for rights, including the rights to freedom of thought, conscience and religion. United Nations human rights mechanisms have expressed concern, for example, over steps taken by some States to curtail, and in some cases criminalize, the activities of certain religious groups or their members.

95. Even though there may be room for a flexible approach to these issues, it seems clear that international cooperation in implementing resolution 1624 (2005) will suffer unless States ensure that they address the resolution's provisions while fully respecting human rights, including through compliance with the principles of legality, necessity and proportionality. Moreover, to guard against misapplication of anti-incitement provisions, implementation would benefit if enforcement measures were subject in all cases to oversight by independent judicial bodies, in accordance with the rule of law. To the extent that these safeguards are not implemented, there will be gaps in effective implementation.

B. The Internet and other modern communications technologies

96. The question of incitement conveyed over the Internet and through other new means of communication presents a difficult challenge and a potential gap in implementation, for both legal and technical reasons. The challenge of the Internet is that it is ubiquitous, intangible and elusive. It can be difficult to identify the author and provenance of messages of incitement. Even though the originator of a message may be in one State, the servers used to convey the message may be in others, and broadcast of the message may occur in yet more States. Thus, measures taken in one State to block Internet communications on appropriate grounds may be easily circumvented. From a law enforcement perspective, there are complicated problems of jurisdiction, as well as technical challenges related to investigation and prosecution, when criminal activity is dispersed over several States.

97. The Internet, mobile phones and other rapidly evolving technologies are now central elements of social discourse throughout much of the world. The benefits they offer in terms of the free exchange of ideas are clear. However, there can be no

doubt that expression through these media, like other forms of public expression, is subject to the requirements of international human rights law.

98. Numerous initiatives are now under way internationally to address the question of expression over the Internet. The Internet Governance Forum works to foster global discussion on issues related to Internet usage. Efforts are also taking place under the auspices of the International Telecommunication Union. At the United Nations, the Counter-Terrorism Implementation Task Force Working Group on Countering the Use of the Internet for Terrorist Purposes has addressed in depth the challenges involved in countering misuse of the Internet as a means for disseminating content relevant to advancing terrorist purposes, notably in a 2009 report.[5] Initiatives are also taking place at the regional level (e.g. the above-mentioned "Check the Web" project of the European Union and the Budapest Convention on Cybercrime) and, in the private sector, by companies including Google and Microsoft.

99. Such initiatives demonstrate how the challenge of incitement to imminent violence over the Internet might be addressed effectively and lawfully. For example, the Working Group report cites measures in a small number of States that could facilitate the removal of terrorism-related content from the Internet. This objective is complicated by the lack of clarity over what material may constitute incitement to imminent violence per se, and the obligation not to violate the right to freedom of expression. The report notes that positive results have also been achieved through partnerships with the voluntary participation of private companies, including Internet service providers. Although such measures should be further considered, it is important to note that all initiatives to address expression over the Internet must be implemented with respect for the right to freedom of expression and other rights. The difficulties involved in addressing this issue could represent a significant gap in the effective implementation of the resolution.

C. Preventing the subversion of educational, cultural and religious institutions

100. In reviewing States' submissions on their implementation of the resolution, the Executive Directorate noted that relatively little attention was paid to the provision calling upon States to "prevent the subversion of educational, cultural, and religious institutions by terrorists and their supporters" (para. 3). There could be several reasons for this. Most fundamentally, any regulation touching upon such institutions is sensitive, since it would impact directly on such rights as those to freedom of access to information and ideas; cultural freedom; and freedom of thought, conscience and religion. The development of regulatory frameworks in this area is thus challenging in a substantive sense and is further complicated in many States where there are limited human and financial resources available. There are added complexities where such institutions receive support from foreign States and entities. The Executive Directorate considers that this area deserves further study and action to achieve more effective implementation of the resolution.

[5] United Nations Counter-Terrorism Implementation Task Force, "Countering the Use of the Internet for Terrorist Purposes", available from www.un.org/en/terrorism/ctitf/pdfs/ctitf_internet_wg_2009_report.pdf.

D. Limited resources on best legal practice

101. Security Council resolution 1624 (2005) directs the Counter-Terrorism Committee to include in its dialogue with Member States their efforts to implement the resolution, and to work with them to help build capacity, including by sharing best legal practice and promoting exchange of information. The Committee has posted on its website a preliminary list of international good practices, codes and standards for implementation of the resolution, drawn mainly from international organizations.[6] As with the above-mentioned issue of preventing the subversion of certain institutions, there is a need to add to the list further information and good practices, in particular from States that have developed innovative approaches to different aspects of the resolution in order to close this gap in implementation.

V. New practical approaches

102. The Executive Directorate has identified a number of new practical approaches that could help strengthen implementation of the resolution (some of which were brought to its attention by States and international and regional organizations).

A. Criminalizing incitement while protecting the right to freedom of expression

103. Although there is no international standard on anti-incitement measures, a number of international and regional organizations and civil society organizations have devoted resources for helping to clarify the elements of a balanced and lawful approach. The United Nations Office on Drugs and Crime addressed the issue in depth, for example, in a working paper on "Preventing Terrorist Acts: A Criminal Justice Strategy Integrating Rule of Law Standards in Implementation of United Nations Anti-Terrorism Instruments".[7] In addition to providing legislative-drafting and other assistance to States on implementation of resolution 1624 (2005), the Office is currently developing a technical assistance tool to deal with legal issues arising in investigation and prosecution of cases involving use of the Internet for terrorist purposes, including acts of incitement. This manual will be published in the first half of 2012.

104. The Council of Europe has studied approaches taken by States to implement article 5 of the 2005 Convention on the Prevention of Terrorism, including through its Committee of Experts on Terrorism and the Committee of Legal Advisers on Public International Law. This work has been guided by relevant rulings of the European Court of Human Rights. OSCE, including through the Action against Terrorism Unit and the Office for Democratic Institutions and Human Rights, has held events to clarify the issue, including a workshop co-organized in December 2010 by the Action against Terrorism Unit and the Executive Directorate in Tashkent, in cooperation with the Government of Uzbekistan, on "Terrorism Prevention: Effective Strategies for Countering Incitement and Violent Extremism".

[6] Available from www.un.org/en/sc/ctc/docs/bestpractices/res1624.pdf.

[7] Available from www.unodc.org/pdf/terrorism/TATs/en/3IRoLen.pdf.

105. As the present survey makes clear, the offence of incitement is widely recognized in criminal law, but its precise scope has been subject to different interpretations. One notable project that addressed the outlines of incitement was a series of expert workshops organized by the Office of the United Nations High Commissioner for Human Rights (OHCHR) on implementation of article 20 of the International Covenant on Civil and Political Rights. The focus of article 20 differs from that of resolution 1624 (2005) in that it addresses advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, rather than incitement to commit acts of terrorism. However, there are commonalities in approaches to implementation.

106. Among the papers prepared for the OHCHR workshops were submissions by three Special Rapporteurs of the Human Rights Council,[8] which examined differing approaches to prohibiting and preventing incitement and made suggestions for enhancing the effectiveness of those efforts. The Special Rapporteurs stressed the need to draft legislation clearly and to introduce specific provisions ensuring respect for the principles of necessity and proportionality. They also suggested that effective anti-incitement strategies required more than legal measures alone and should include measures in the areas of intercultural dialogue and education. Their conclusion was that "the strategic response to hate speech is more speech". This may be a useful prescription with regard to preventing incitement to commit acts of terrorism. Further such initiatives can help clarify the meaning and limits of "incitement", in particular to ensure respect for the right to freedom of expression.

B. Enhancing dialogue at the national and community levels

107. Security Council resolution 1624 (2005) calls upon States "to continue international efforts to enhance dialogue and broaden understanding among civilizations, in an effort to prevent the indiscriminate targeting of different religions and cultures" (para. 3). It is evident that States take this call seriously and devote substantial resources to this activity. In addition, many States have provided information on their efforts to enhance dialogue and broaden understanding at the national and community levels. This suggests a synergy between international, national and community efforts to enhance dialogue.

108. The preamble to resolution 1624 (2005) stresses "the importance of the role of the media, civil and religious society, the business community and educational institutions in those efforts to enhance dialogue and broaden understanding, and in promoting tolerance and coexistence, and in fostering an environment which is not conducive to incitement of terrorism". In the preamble to its resolution 1963 (2010), the Security Council recognizes the important role to be played by local communities, the private sector, civil society and the media in efforts to increase awareness of the threat of terrorism and to counter that threat more effectively. The Council also called upon the Executive Directorate to interact, as appropriate and in consultation with the Committee and relevant Member States, with civil society and other relevant non-Government actors as part of its efforts to support the

[8] Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on freedom of religion or belief; Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; available from www2.ohchr.org.

Committee's work to monitor the implementation of resolutions 1373 (2001) and 1624 (2005).

109. In view of this provision and guidance from the Committee, the Executive Directorate has initiated a series of regional workshops on the implementation of resolution 1624 (2005) that bring together Governments, academic experts, civil society representatives and others to identify ways to enhance dialogue and more effectively work together to promote the goals of the resolution. Further developing the engagement of national and community-level actors could help achieve more effective implementation of the resolution.

C. Countering incitement motivated by extremism and intolerance

110. Many States have taken steps not only to prohibit incitement through criminal legislation, but also to counter it through strategies that include action in the areas of social, educational, religious and information policy. They argue that the flawed underpinnings of terrorist ideologies can be challenged by bringing debate and discussion into the open and by facilitating active participation by all stakeholders concerned. This can be achieved in many ways, including through public events such as community forums and by countering terrorist incitement online. Such exercises run little risk of becoming redundant, since every opportunity taken to expose terrorist ideologies to public scrutiny and criticism can contribute to their continuing erosion. Providing space in which to challenge the arguments of terrorists and their supporters can also provide affected communities with the chance to offer input into Government counter-terrorism policies. This can help ensure that such policies enjoy greater support going forward.

111. One way to expose the illegitimacy of the terrorist narrative is through "counter-narrative", a concept that is being developed by several international and State actors, as well as by academic experts, religious scholars and others. The Counter-Terrorism Implementation Task Force Working Group on Countering the Use of the Internet for Terrorist Purposes has created a counter-narrative database of materials (including films highlighting the stories of repentant persons formerly involved in terrorism) that can be used by interested parties worldwide to challenge the terrorist narrative.[9] Posting counter-narratives on the Internet is one way in which the openness and accessibility of the Internet may be turned to practical advantage in accordance with the right to freedom of expression. The Global Counterterrorism Forum has established a Working Group on Countering Violent Extremism, which will serve as a clearing house for research and analysis, bringing together experts to design effective strategies for countering violent extremism and to help ensure that Governments and civil society are trained to understand the phenomenon of radicalization. As long as incitement continues to pose a threat, it will be important to challenge its underlying motivations and ideology in public discussion and debate, including over the Internet.

[9] Available from www.un.org/en/terrorism/ctitf/documentaries.shtml.

D. Listening more attentively to the voices of victims

112. Closely linked to the concept of counter-narrative is the growing recognition of the importance of the voices of victims of terrorism in effective counter-incitement strategies. Over recent years, concerns have been expressed that the debate has focused too narrowly on counter-terrorism strategies and policies and that insufficient attention has been paid to the views and experiences of those most affected by terrorist acts: victims and survivors. Yet, few would dispute that the voices of these individuals can convey perhaps the most compelling messages in response to terrorist incitement.

113. There have been important recent initiatives to bring the voices of victims and survivors more fully into counter-incitement efforts. In September 2008, the Secretary-General convened a Symposium on Supporting Victims of Terrorism at United Nations Headquarters, which has since been developed through the work of the Counter-Terrorism Implementation Task Force Working Group on Supporting and Highlighting Victims of Terrorism (e.g. through its development of a web portal that can serve as a forum in which victims and others can share information, resources and best practices on supporting victims).[10] Civil society groups founded by victims, including the Global Survivors Network, have played a leading role in giving victims a platform for expression. At the regional level, recent initiatives have included the Conference on Victims of Terrorism, held jointly in June 2011 in San Sebastian, Spain, by the Council of Europe, the Inter-American Committee against Terrorism and the Government of Spain, in cooperation with the Basque Autonomous Community. Providing additional space for victims of terrorism to contribute to the discussion can help more effectively counter incitement.

E. Rehabilitation programmes

114. A number of States, international organizations, academic institutions and others are actively developing new and innovative rehabilitation programmes for persons who are detained or imprisoned in connection with their involvement in terrorist acts. The main goal of these efforts is to disengage radicalized individuals from their commitment to violence as a way to achieve their objectives (whether political, religious or of any other nature) and to assist with their reintegration into society. Approaches to rehabilitation differ among States, but greater attention is being paid to exchanging experiences and developing best practices in this area. These programmes raise particular concerns with regard to the rights of the participating individuals, especially if such individuals are in detention. Moreover, further research is needed to show that such programmes produce genuine, positive results as to the likelihood that such individuals will commit further acts of terrorism or incite others to commit such acts.

115. One important initiative in this area is the project being pursued by the United Nations Interregional Crime and Justice Research Institute with the support of several States and other United Nations entities. The aim of this project is to gather and analyse information from States, meet to assess different approaches and best practices and help build capacities. Such programmes may contribute to countering incitement motivated by extremism and intolerance, at least with respect to some

[10] Available from www.un.org/en/terrorism/ctitf/wg_supportvictims.shtml.

individuals. However, they will need to be considered carefully in view of their direct impact on fundamental rights, including the rights to freedom of thought, conscience, religion and opinion, as well as the right to fair treatment in accordance with the rule of law.

F. Developing comprehensive and integrated national strategies

116. The above-mentioned approaches underscore the potential value, as identified by resolution 1963 (2010), of comprehensive and integrated national counter-terrorism strategies and mechanisms to implement them that include attention to the factors that lead to terrorist activities, in accordance with States' obligations under international law. In its preamble, resolution 1963 (2010) recognizes "that terrorism will not be defeated by military force, law enforcement measures, and intelligence operations alone". The resolution underlines the need to address the conditions conducive to the spread of terrorism, as outlined in pillar I of the United Nations Global Counter-Terrorism Strategy.

117. Acts of terrorism and incitement are complex manifestations of criminal behaviour. Even though there is consensus that such acts are indefensible, they arise from a web of motivations and social situations that must be understood in order to be effectively addressed. Some States have begun to acknowledge this by developing comprehensive national counter-terrorism strategies that go beyond traditional law enforcement to involve multiple social actors. One State's recently adopted national counter-terrorism law recognizes "that the fight against terrorism requires a comprehensive approach, comprising political, economic, diplomatic, military and legal means duly taking into account the root causes of terrorism without acknowledging these as justifications for terrorist and/or criminal activities". Further development of the concept and elements of national strategies can provide a practical framework within which to effectively implement resolution 1624 (2005).

VI. Conclusions and recommendations

118. The information submitted for this survey makes clear that, in the view of many States, incitement to commit acts of terrorism remains a serious risk and threat throughout much of the world, albeit to varying degrees. The rapid evolution of communications technologies has added to the challenge of effectively implementing resolution 1624 (2005) but has also created new opportunities. The issue of incitement is complex and requires further diagnosis at both governmental and non-governmental levels. Much more remains to be learned about the exact relationship between incitement and the commission of violent acts, how the impact of incitement varies online and offline, and which entry points are the most effective for purposes of prevention. States continue to adopt various approaches to prohibition and prevention of incitement, in accordance with the resolution. Even though such approaches may occur within a somewhat flexible framework, they must in all cases comply with States' obligations under international law, including the obligation to respect the right to freedom of expression.

119. Substantial resources have been invested worldwide in initiatives aimed at enhancing dialogue and understanding among civilizations and at countering

incitement motivated by extremism and intolerance. These initiatives are to be welcomed and have likely helped to raise awareness, develop common understandings, and somewhat mitigate the risk and threat of incitement. Further action in these areas will be essential in addressing the challenge of terrorist incitement. Overall, strengthened international cooperation and exchange of information and the development of comprehensive and integrated national responses may be among the most effective ways to counter and prevent incitement. States may need technical assistance, whether in legal drafting or in training and awareness-raising regarding different strategies. The Committee and the Executive Directorate should continue to serve as facilitators of technical assistance in this regard.

120. On the basis of the present survey, it is recommended that Member States:

- Continue to develop initiatives to prohibit and prevent incitement, identify best practices and exchange information, bearing in mind the need to ensure that all relevant measures comply with their international legal obligations, including human rights obligations.
- Strengthen policies and programmes to enhance dialogue and understanding among civilizations, as a key element of an effective counter-incitement strategy.
- Consider incorporating measures to implement resolution 1624 (2005) into comprehensive and integrated national counter-terrorism strategies that include roles for local communities, the private sector, civil society, the media and other relevant actors.

121. On the basis of the present survey, it is recommended that the Committee/Executive Directorate:

- Continue to gather information on the implementation of Security Council resolution 1624 (2005) by Member States, including (whether within the framework of country visits or through other forms of dialogue) by encouraging States that have not yet submitted a report to do so.
- Continue to study and promote new practical ways to implement the resolution, in close cooperation with the Counter-Terrorism Implementation Task Force and its working groups and other relevant United Nations entities, as well as with other international and regional organizations, the media, civil and religious society, the business community and educational institutions.
- Strengthen efforts to disseminate best legal practices and promote exchange of information, including for the purposes of improving international cooperation and facilitating technical assistance, where appropriate.

United Nations S/2012/17

Security Council

Distr.: General
10 January 2012

Original: English

Letter dated 9 January 2012 from the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1718 (2006), which covers the Committee's activities during the period from 1 January to 31 December 2011. The report is submitted in accordance with the note by the President of the Council of 29 March 1995 (S/1995/234).

(*Signed*) José Filipe **Moraes Cabral**
Chair
Security Council Committee established
pursuant to resolution 1718 (2006)

12-20555 (E) 170112

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Report of the Security Council Committee established pursuant to resolution 1718 (2006)

I. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 1718 (2006) covers the period from 1 January to 31 December 2011.

2. During the reporting period, the Bureau of the Committee consisted of Ambassador José Filipe Moraes Cabral as Chair, with the delegations of Lebanon and Nigeria providing the Vice-Chairs. In 2011, the Committee held six sessions of informal consultations and one formal meeting. During the formal meeting on 12 September 2011, the Ambassador of the Russian Federation to the Democratic People's Republic of Korea briefed the members of the Committee on the difficulties faced by some diplomatic missions in the Democratic People's Republic of Korea in the context of paragraph 21 of Security Council resolution 1874 (2009). The web page of the Committee is available at: www.un.org/sc/committees/1718.

II. Background

3. The Security Council Committee established pursuant to Security Council resolution 1718 (2006) was mandated to oversee the implementation of the measures imposed by that resolution with respect to the Democratic People's Republic of Korea.

4. On 12 June 2009, the Security Council unanimously adopted resolution 1874 (2009), in which it imposed additional measures, including an expansion of the embargo on arms and related materiel and technology, as well as financial measures to include a ban on financial transactions, technical training, advice, services or assistance related to such arms and materiel. In resolution 1874 (2009), the Council requested the Secretary-General to create for an initial period of one year a group of up to seven experts ("Panel of Experts") to assist the Committee in carrying out its tasks.

5. In paragraph 1 of resolution 1928 (2010), the Security Council extended the mandate of the Panel of Experts until 12 June 2011, and by paragraph 1 of resolution 1985 (2011), it further extended the mandate until 12 June 2012.

III. Summary of activities

A. Reports from Member States on the implementation of resolutions 1718 (2006) and 1874 (2009)

6. During the reporting period, 16 Member States reported to the Committee pursuant to paragraph 22 of Security Council resolution 1874 (2009) on the steps they had taken to implement effectively the provisions of paragraph 8 of Security Council resolution 1718 (2006), as well as paragraphs 9 and 10 of resolution 1874 (2009), and on the financial measures set out in paragraphs 18, 19 and 20 of resolution 1874 (2009).

B. Implementation Assistance Notices

7. On 21 January 2011, the Committee approved and issued an Implementation Assistance Notice to assist Member States in preparing and submitting the requested reports. The Implementation Assistance Notice provides an optional checklist template that includes all of the measures about which the Security Council has requested information. The Committee forwarded a copy of the aforementioned document to Member States in a note verbale dated 7 February 2011 and made it available on the Committee's website. In the same note verbale, the Committee seized the opportunity to remind Member States of their reporting obligations pursuant to paragraph 22 of Security Council resolution 1874 (2009) and to encourage reporting on their implementation of Security Council resolutions 1718 (2006) and 1874 (2009).

8. On 5 December 2011, the Committed approved an Implementation Assistance Notice regarding the ban on the supply, sale or transfer of luxury goods referred to in Security Council resolutions 1718 (2006) and 1874 (2009). The Committee forwarded a copy of the Implementation Assistance Notice to Member States in a note verbale dated 21 December 2011 and made it available on the Committee's website.

C. Reports to the Security Council

9. According to paragraph 12 (g) of Security Council resolution 1718 (2006), the Committee should report at least every 90 days to the Security Council on its work. Accordingly, the Chair briefed the Council on 23 February, 17 May, 23 August and 16 November 2011.

D. Panel of Experts

10. In accordance with paragraph 26 of its resolution 1874 (2009), the Security Council requested the Secretary-General, in consultation with the Committee, to appoint a Panel of up to seven experts for an initial period of one year. Following the adoption, on 10 June 2011, of Security Council resolution 1985 (2011) extending the mandate of the Panel of Experts until 12 June 2012, the Secretary-General, on 27 June 2011, reappointed to the Panel of Experts the seven individuals serving on the Panel at that time.

11. During the reporting period, three of the seven experts of the Panel of Experts established pursuant to Security Council resolution 1874 (2009), namely, Young-wan Song, Republic of Korea (regional issues), George A. Lopez, United States of America (finance) and Takehiko Yamamoto, Japan (nuclear issues), informed the Committee of their resignation owing to other pending professional and personal commitments. The Secretary-General, in consultation with the Committee, appointed Duk Ho Moon, Republic of Korea (proliferation of weapons of mass destruction, to replace David J. Birch, United Kingdom of Great Britain and Northern Ireland, who had resigned effective 20 December 2010) on 22 February 2011; John Everard, United Kingdom (regional issues), on 21 March 2011; and William Newcomb, United States of America (finance) and Katsuhisa Furukawa, Japan (nuclear issues), on 22 August 2011.

12. On 28 January 2011, the Panel of Experts, as requested by the Committee, submitted a report assessing the recent nuclear programme developments in the Democratic People's Republic of Korea in a follow-up to the briefing by Professor Siegfried Hecker on 15 December 2010 concerning his report on the construction of an enrichment facility and a light-water research reactor in Yongbyon.

13. On 12 May 2011, the Panel of Experts submitted to the Security Council its final report in accordance with paragraph 2 of Security Council resolution 1928 (2010). The Committee discussed the recommendations contained in the final report during its informal consultations on 10 June, 8 July and 12 September 2011.

14. On 6 July 2011, the Panel of Experts, acting in accordance with paragraph 3 of Security Council resolution 1985 (2011), submitted to the Committee, for its information, its programme of work until 12 June 2012.

15. On 2 November 2011, pursuant to paragraph 2 of Security Council resolution 1985 (2011), the Panel provided a midterm report on its work to the Committee, which the Committee considered during its informal consultations on 1 December 2011. Also in accordance with paragraph 2 of resolution 1985 (2011), the Panel submitted the report to the Council on 12 December 2011.

16. During the reporting period, at the invitation of the countries concerned, the Panel of Experts conducted visits to Austria (13 December 2011), France (5-6 December 2011), Germany (7-9 December 2011), Japan (12-14 January and 25-27 July 2011), the Republic of the Congo (12-16 December 2011), the Republic of Korea (17-19 January and 27 July-1 August 2011), Switzerland (16 December 2011), the United Kingdom (10 October and 21-22 November 2011) and the United States (5-6 October 2011) to discuss the measures taken by those countries to implement Security Council resolutions 1718 (2006) and 1874 (2009). The Panel of Experts and its individual members also held consultations with Government officials and national experts of Member States and with representatives of several international organizations and entities, such as the International Atomic Energy Agency, the International Civil Aviation Organization, the International Air Transport Association, the Financial Action Task Force on Money Laundering, the Group of Eight Non-Proliferation Directors Group, the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization and the United Nations Office on Drugs and Crime; they also participated in a number of relevant international meetings, conferences and seminars.

E. Communications from and to Member States related to alleged violations of the measures imposed in resolutions 1718 (2006) and 1874 (2009)

17. During the reporting period, the Committee received three new reports of alleged violations of Security Council resolutions 1718 (2006) and 1874 (2009), as well as information on previously reported cases of alleged violations.

18. On 24 June 2011, a Member State reported to the Committee an incident involving a vessel. According to the letter, the Member State had determined it had reasonable grounds to believe the vessel was transferring proliferation-related items in violation of Security Council resolutions 1718 (2006) and 1874 (2009).

19. On 5 July 2011, a Member State reported to the Committee that on 20 June 2011, its authorities had arrested a person suspected of illegally exporting luxury goods to the Democratic People's Republic of Korea.

20. On 19 September 2011, a Member State brought to the attention of the Committee "a case of violation of paragraphs 8 of resolution 1718 (2006) and 9 of resolution 1874 (2009)". In a note verbale dated 29 September 2011, the Member State transmitted photographic evidence to accompany the report submitted by its previous note verbale. On 26 October 2011, the Committee replied to the Member State expressing appreciation for its notification dated 19 September 2011 and the additional information in its note verbale dated 29 September 2011, and noting that it would be grateful to receive any further information its authorities may be able to share.

21. On 2 March 2011, the Panel of Experts transmitted for the Committee's information a copy of a note verbale, dated 28 February 2011, addressed to a Member State regarding the cargo seized by another Member State, which the latter reported to the Committee on 12 October 2009.

22. On 17 May 2011, a Member State informed the Committee that items (protective suits and boots), whose seizure by its authorities had been reported to the Committee on 12 October 2009, had been destroyed on 27 April 2011.

23. On 15 November 2011, a Member State provided additional information in relation to a case referred to the Committee by a Member State in a letter dated 28 December 2009.

24. The Committee, with the assistance of the Panel of Experts, is continuing its investigations of the reported incidents.

F. Other communications from Member States and international organizations

25. During the reporting period, the Committee also received two queries concerning measures imposed by Security Council resolutions 1718 (2006) and 1874 (2009). In a note verbale dated 23 August 2011, a Member State requested the Committee to confirm that meat and meat products do not constitute luxury goods referred to in paragraph 8 (a) (iii) of resolution 1718 (2006). The Committee is considering this request.

26. The Committee is also considering a letter dated 2 October 2011 from the secretariat of the United Nations Framework Convention on Climate Change, seeking guidance with respect to the participation of the Democratic People's Republic of Korea in project activities under the clean development mechanism of the Kyoto Protocol in the context of the Security Council resolutions pertaining to the Democratic People's Republic of Korea. The query was originally addressed to the Office of Legal Affairs and was forwarded to the Committee on 7 October 2011. The Committee is considering this query.

27. On 21 December 2011, a Member State informed the Committee that preliminary investigations conducted in 2009 and 2010 about an alleged violation of the prohibition against the transfer of luxury goods to the Democratic People's Republic of Korea concluded that there was no evidence of a sanctions violation.

Annex*

Reports received pursuant to paragraph 11 of Security Council resolution 1718 (2006)

Member State or organization	*Document symbol*	*Date of communication*
France	S/AC.49/2010/2	8 February 2010
Jordan	S/AC.49/2010/5	9 March 2010
Burkina Faso	S/AC.49/2010/6	4 April 2010
Brazil	S/AC.49/2010/7	26 May 2010
Georgia	S/AC.49/2010/10	30 June 2010
Uganda	S/AC.49/2010/12	13 August 2010
Spain	S/AC.49/2010/13	3 November 2010
Bulgaria	S/AC.49/2010/15	20 April 2010
Nigeria	S/AC.49/2011/1	3 February 2011
Kazakhstan	S/AC.49/2011/2	23 March 2011
Guyana	S/AC.49/2011/3	18 March 2011
Estonia	S/AC.49/2011/4	24 March 2011
Lithuania	S/AC.49/2011/5	7 April 2011
Latvia	S/AC.49/2011/6	21 April 2011
Montenegro	S/AC.49/2011/7	20 May 2011
San Marino	S/AC.49/2011/8	5 July 2011
Andorra	S/AC.49/2011/9	18 July 2011
Turkmenistan	S/AC.49/2011/10 S/AC.49/2011/10/Add.1	27 July 2011 12 September 2011
Panama	S/AC.49/2011/11	29 July 2011
Armenia	S/AC.49/2011/13	17 August 2011
Colombia	S/AC.49/2011/14	28 September 2011
Chile	S/AC.49/2011/15	18 November 2011

* The list of reports received prior to 2010 is contained in the enclosure to the Committee's previous report, S/2011/84.

Reports received pursuant to paragraph 22 of Security Council resolution 1874 (2009)

Member State or organization	*Document symbol*	*Date of communication*
Iceland	S/AC.49/2010/1	21 January 2010
France	S/AC.49/2010/2	8 February 2010
Republic of Belarus	S/AC.49/2010/3	5 April 2010
Russian Federation	S/AC.49/2010/4	9 April 2010
Jordan	S/AC.49/2010/5	9 March 2010
Burkina Faso	S/AC.49/2010/6	4 May 2010
Brazil	S/AC.49/2010/7	26 May 2010
India	S/AC.49/2010/8	23 June 2010
Greece	S/AC.49/2010/9	30 June 2010
Georgia	S/AC.49/2010/10	30 June 2010
Israel	S/AC.49/2010/11	13 July 2010
Republic of Uganda	S/AC.49/2010/12	13 August 2010
Spain	S/AC.49/2010/13	3 November 2010
South Africa	S/AC.49/2010/14	3 December 2010
Bulgaria	S/AC.49/2010/15	20 April 2010
Nigeria	S/AC.49/2011/1	3 February 2011
Kazakhstan	S/AC.49/2011/2	23 March 2011
Guyana	S/AC.49/2011/3	18 March 2011
Estonia	S/AC.49/2011/4	24 March 2011
Lithuania	S/AC.49/2011/5	7 April 2011
Latvia	S/AC.49/2011/6	21 April 2011
Montenegro	S/AC.49/2011/7	20 May 2011
San Marino	S/AC.49/2011/8	5 July 2011
Andorra	S/AC.49/2011/9	18 July 2011
Panama	S/AC.49/2011/11	29 July 2011
Brunei Darussalam	S/AC.49/2011/12	10 August 2011
Armenia	S/AC.49/2011/13	17 August 2011
Colombia	S/AC.49/2011/14	28 September 2011
Croatia	S/AC.49/2011/16	5 December 2011

United Nations S/2012/18

Security Council

Distr.: General
10 January 2012

Original: English

Letter dated 4 January 2012 from the Chairman of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan, which covers the Committee's activities during the period from 1 January to 31 December 2011. The report is submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

(*Signed*) Néstor **Osorio**
Chairman
Security Council Committee established pursuant
to resolution 1591 (2005) concerning the Sudan

12-20561 (E) 180112

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Report of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan

I. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan covers the period from 1 January to 31 December 2011.

2. During the reporting period, the Bureau consisted of Néstor Osorio (Colombia) as Chairman, with the delegations of Bosnia and Herzegovina and India providing the Vice-Chairmen. In 2011, the Committee held five informal consultations. The web page of the Committee is available at www.un.org/sc/committees/1591/.

II. Background information and activities of the Committee

A. Background information

3. By its resolution 1556 (2004), the Security Council imposed an arms embargo on all non-governmental entities and individuals, including the Janjaweed, operating in the states of Northern Darfur, Southern Darfur and Western Darfur in the Sudan.

4. By its resolution 1591 (2005), the Security Council broadened the scope of the arms embargo, with immediate effect, to include all the parties to the N'Djamena Ceasefire Agreement and any other belligerents in the states of Northern Darfur, Southern Darfur and Western Darfur. By the same resolution, the Council established a Committee to monitor the implementation of the arms embargo and the two additional measures imposed by the resolution, namely, a travel ban and an assets freeze on those individuals designated by the Committee on the basis of the criteria contained in the resolution. The travel ban and the assets freeze entered into effect on 29 April 2005.

5. By its resolution 1591 (2005), the Security Council also established, for a period of six months, a four-member Panel of Experts to assist the Committee in monitoring the implementation of the arms embargo, travel ban and assets freeze, to report to the Council through the Committee with its findings and recommendations, and to coordinate its activities, as appropriate, with ongoing operations of the African Union Mission in the Sudan (AMIS). Under the same resolution, the Panel of Experts was also identified as a source of information regarding individuals who might be designated by the Committee as subject to the targeted sanctions.

6. By its resolution 1945 (2010), the Security Council strengthened the enforcement of the arms embargo by clarifying the exceptions to that measure and by making the sale or supply of arms and related materiel to the Sudan not prohibited by the embargo contingent upon the necessary end-user documentation. The Council also expressed its intention, following the midterm report of the Panel of Experts that it requested no later than 31 March 2011, to review the state of implementation, including obstacles to full and effective implementation, of the measures imposed in resolution 1591 (2005), with a view to ensuring full compliance.

7. The mandate of the Panel of Experts has been extended eight times, by Security Council resolutions 1651 (2005), 1665 (2006), 1713 (2006), 1779 (2007), 1841 (2008), 1891 (2009), 1945 (2010) and 1982 (2011). The current extension expires on 19 February 2012. In resolution 1713 (2006), the Council authorized the addition of a fifth expert to enable the Panel to better carry out its mission. In its resolutions 1779 (2007), 1841 (2008), 1891 (2009) and 1945 (2010), the Council requested the Panel to coordinate its activities, as appropriate, with the operations of the African Union-United Nations Hybrid Operation in Darfur (UNAMID), which succeeded AMIS, and with international efforts to promote the political process in Darfur. In the same resolutions, the Council requested the Panel to assess in its interim and final reports progress towards reducing violations by all parties to the arms embargo, the travel ban and the assets freeze; progress towards removing impediments to the political process and threats to stability in Darfur and the region; and progress towards reducing other violations of resolutions 1556 (2004) and 1591 (2005). In that context, the Council, in its resolution 1945 (2010), also referred to violations of international humanitarian or human rights law or other atrocities, including sexual and gender-based violence. Following each extension, the Secretary-General has appointed individuals to serve on the Panel.[1]

8. In the course of its mandate and in accordance with the relevant Security Council resolutions, the Panel of Experts submitted 11 written interim/progress reports, dated 7 October 2005, 15 July 2006, 16 March 2007, 2 July 2007, 27 March 2008, 11 August 2008, 2 March 2009, 25 May 2009, 15 March 2010, 24 May 2010 and 30 March 2011; and four midterm reports, dated 14 May 2008, 30 April 2009, 2 July 2010 and 24 June 2011. The Panel also submitted, at the end of each mandate, seven final reports to the Committee, which were subsequently transmitted by the Chairman to the President of the Council. The Panel's mandate under resolution 1945 (2010) was extended for a further four months by resolution 1982 (2011); its final report is due on 19 January 2012.

9. By its resolution 1672 (2006), the Security Council designated four individuals as subject to the travel ban and assets freeze imposed by resolution 1591 (2005).

10. By its resolution 1679 (2006), the Security Council expressed its intention to consider taking, including in response to a request by the African Union, strong and effective measures, such as a travel ban and assets freeze, against any individual or group that violated or attempted to block the implementation of the Darfur Peace Agreement.

11. By its resolution 1769 (2007), the Security Council decided that UNAMID would monitor whether any arms or related materiel were present in Darfur in violation of the Agreements and the measures imposed by paragraphs 7 and 8 of resolution 1556 (2004). The mandate of UNAMID relating to the monitoring of the arms embargo was also explicitly referred to in resolutions 1935 (2010) and 2003 (2011). In that context, the Council, in its resolution 2003 (2011), also requested UNAMID to continue to cooperate with the Panel of Experts in order to facilitate the Panel's work.

[1] See S/2005/428, S/2006/23, S/2006/99, S/2006/301, S/2006/926, S/2007/706, S/2008/743, S/2009/639, S/2010/140, S/2011/27, S/2011/60, S/2011/96, S/2011/613, S/2011/614 and S/2011/658.

12. By a presidential statement dated 24 October 2007 (S/PRST/2007/41), the Security Council called upon all parties to attend and to engage fully and constructively in the talks in Sirte, Libyan Arab Jamahiriya, and, as a first step, to urgently agree and implement a cessation of hostilities to be overseen by the United Nations and the African Union. The Council underlined its willingness to take action against any party that sought to undermine the peace process, including by failing to respect such a cessation of hostilities or by impeding the talks, peacekeeping or humanitarian aid.

13. By a presidential statement of 11 January 2008 (S/PRST/2008/1), the Security Council expressed its readiness to take action against any party that impeded the peace process, humanitarian aid or the deployment of UNAMID. The Council also recognized that due process had to take its course.

14. By a presidential statement of 16 July 2008 (S/PRST/2008/27), the Security Council underlined its determination to take action against those responsible for the attack on 8 July 2008 on a UNAMID military and police convoy, after hearing the outcome of the UNAMID investigation into the attack.

15. By its resolution 1828 (2008), the Security Council reiterated its readiness to take action against any party that impeded the peace process, humanitarian assistance or the deployment of UNAMID and recognized that due process had to take its course.

16. By a presidential statement of 16 November 2010 (S/PRST/2010/24), the Security Council expressed its willingness to consider measures against any party whose actions undermined peace in Darfur. This was reiterated in a presidential statement of 16 December 2010 (S/PRST/2010/28).

B. Summary of the activities of the Committee in 2011

17. Pursuant to paragraph 6 of Security Council resolution 1945 (2010), in which the Council encouraged all States, in particular those in the region, to report to the Committee on the actions they had taken to implement measures imposed by resolutions 1591 (2005) and 1556 (2004), including the imposition of targeted measures, the Committee has to date received three reports from Member States. The reports are available on the Committee's web page.

18. On 28 January, the Committee received a proposal for the designation of an individual as subject to the travel ban and assets freeze. The proposal was subsequently placed on technical hold by a member of the Committee. The hold is still in effect.

19. In informal consultations on 23 February, the Committee met four of the five members of the Panel of Experts appointed pursuant to resolution 1945 (2010) and discussed the Panel's reporting timelines. Members of the Committee highlighted the areas on which they believed the Panel should focus. They commended the establishment of an arms embargo monitoring focal point within UNAMID and looked forward to hearing from the Panel on how the mechanism had helped to enhance information-sharing with the Mission.

20. In informal consultations on 11 April, the Committee heard a presentation by the Panel of Experts through videoconference from Addis Ababa of its interim

report. At the time, since no member of the Panel had been granted a visa to the Sudan, the Panel's presentation focused mainly on how the delay in access to the Sudan was affecting the Panel's work. In addition to seeking the Committee's assistance in obtaining visas, the Panel also requested the Security Council to consider extending the Panel's mandate for at least three additional months to allow for sufficient fieldwork in the Sudan. Subsequently, all five Panel members were granted visas to the Sudan as of 15 April. Moreover, by its resolution 1982 (2011), the Council extended the Panel's mandate until 19 February 2012.

21. In informal consultations on 28 June, the Committee heard a midterm briefing by the Panel of Experts. Overall, the Panel had spent nearly seven weeks in the Sudan since its arrival there on 2 May. The Panel determined that some of the ammunition cartridges observed during its field visits appeared to have been manufactured after the imposition of the sanctions, thereby indicating prima facie cases of violations of the arms embargo. The Panel reported that the Government of the Sudan had not implemented the assets freeze in relation to the four designated individuals. Additional investigations related to the various areas of the Panel's mandate were ongoing. Also, the Panel provided a preliminary assessment of what it considered to be impediments to the peace and political processes in relation to Darfur. In the written report accompanying its midterm briefing, the Panel indicated that it had not reached a consensus on some parts of the report owing to a disagreement on the appropriate application of methodological requirements.

22. By a letter dated 14 July, the Committee invited the former Joint African Union-United Nations Chief Mediator for Darfur, Djibril Yipènè Bassolé, to provide to the Committee his insights into impediments to the peace process.

23. In informal consultations on 22 July, in continuation of its dialogue with UNAMID, the Committee met with the African Union-United Nations Joint Special Representative for Darfur, Ibrahim Gambari. Mr. Gambari briefed the Committee on the logistical support provided by UNAMID to the Panel, the conduct of patrols, and the limited instances of disarmament, demobilization and reintegration due to the lack of an all-inclusive peace agreement. He stressed the importance of providing adequate resources and expertise to UNAMID in order to enhance its arms embargo monitoring capacity. Three members of the Panel of Experts, who participated in the consultations through videoconference from Addis Ababa, outlined some areas in which they believed the Panel and UNAMID could benefit from mutual assistance.

24. Through an exchange of letters dated 4 and 22 August, respectively, a Member State sought, and the Committee provided, guidance on the scope of the arms embargo.

25. In a letter dated 9 August addressed to the Committee, the Panel of Experts reported that, for the Panel's second trip to the Sudan, the Panel members were granted visas relatively quickly but then remained grounded in Khartoum owing to the lack of permits to enter Darfur. Shortly afterward, the Panel notified the Committee and sought its assistance, but it was almost a month after Panel members arrived in Khartoum that the permits were issued.

26. In his reply dated 17 October, the Chairman of the Committee informed the President of the Security Council of the ongoing follow-up in response to a request for certain source information in relation to the 2008 final report of the Panel of Experts (S/2008/647).

27. In informal consultations on 10 November, by which time the Panel of Experts had undergone a complete change in composition, the Committee met with the newly reconstituted Panel through videoconference from Addis Ababa. Members of the Committee highlighted the areas on which they believed the Panel should focus, both in terms of substance and process. For the Panel's third trip to the Sudan, the Panel members were granted visas on 18 November and permits to enter Darfur on 28 November.

28. During the period under review, in accordance with subparagraph 3 (a) (iv) of resolution 1591 (2005), the Chairman of the Committee delivered four reports, each covering a 90-day period, to the Security Council. In each report, he described the Committee's activities since his last briefing to the Council. He delivered the reports in informal consultations of the whole on 11 March, 20 June, 29 September and 16 December. In the three latest reports, he also reminded the Council of its previously expressed intention, as reflected in resolution 1945 (2010), to review the state of implementation, including obstacles to full and effective implementation, of the measures imposed in resolution 1591 (2005), with a view to ensuring full compliance.

29. In conducting its work, the Committee continued to apply the guidelines it had adopted on 23 March 2006 and amended on 27 December 2007. Among other purposes, the guidelines serve to facilitate the implementation of the travel ban and assets freeze imposed by subparagraphs 3 (d) and (e) of resolution 1591 (2005), in accordance with subparagraph 3 (a) (iii) of the same resolution. In that connection, however, no requests were received by the Committee either to remove the names of individuals on the consolidated list of persons subject to the travel ban and assets freeze or to grant exemptions to the targeted sanctions.

III. Violations and alleged violations of the sanctions regime as reported by the Panel of Experts

30. Owing to the extension of the Panel's mandate by resolution 1982 (2011) of 17 May for a further period of four months — effectively lengthening the current mandate to 16 months — the final report of the Panel of Experts is due no later than 19 January 2012.